MILLCREEK TOWNSHIP GOVERNMENT STUDY COMMISSION

OFFICIAL REPORT

August 28, 2012

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SECTION I

To the Voters and Supervisors of Millcreek Township

The duly elected and official Millcreek Township Government Study Commission has worked diligently since the end of November, 2011 to carefully review the workings of our township. In addition, we have reviewed operations of other townships so we would have a clear and accurate view of the assignment for which we were elected.

The following report will indicate reasons for our recommendation, the sources of information, and the data we used to come to the final conclusion. We have also included some suggestions which we believe will be helpful and informative to the Supervisors.

We wish to thank all the citizens of Millcreek Township for the trust and confidence you have shown in the Commission and appreciate the help many of you have offered.

Millcreek Township Government Study Commission

SECTION II

Organization of the

Millcreek Township Government

Study Commission

Richard Millhouse

Douglas Prozan - Treasurer

William Lamberton

Jason Owen - Vice Chairman

Robert Praetzel - Secretary

Brian Paul Martin

Joy Greco

Special recognition and appreciation:

Joann Mullen – Chairwoman (deceased)

Robert Bierre – Alternate

Barbara Johnson - Alternate

SECTION III

A History of the Commission

During 2011 a controversy began in Millcreek Township as to the form of government under which the township should operate. Those interested in change suggested that the present form of government had existed for nearly two hundred years and that a change was needed to enable the township to be properly managed in the future. Those interested in keeping the present form suggested the township was being well run and there was no need for change.

The group desiring change initiated a successful petition drive to put the question on the ballot. The question, as it appeared on the ballot, read: Shall a government study commission of seven members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government and to recommend whether or not an optional plan of government should be adopted? In all, twenty citizens submitted petitions with the proper number of signatures to become candidates to the commission.

The voters approved the study and the formation of the study commission. The seven candidates receiving the highest number of votes were, in order: Joann Mullen, Richard Millhouse, Douglas Prozan, William Lamberton, Jason Owen, Robert Praetzel, and Brian Paul Martin. These members were sworn in on November 28, 2011 and the Millcreek Township Government Study Commission (hereafter, MTGSC or the commission) was formed.

In November 2011, the commission organized and commenced its work on the assignment. Unexpectedly, Joann Mullen, the commission chairwoman, passed away just as the work was beginning. The process available to fill the position was not mandated so the remaining members filled Mrs. Mullen's position by placing an ad seeking interested volunteers and selecting from those applicants. After applying and being interviewed, Joy Greco was chosen to be added as a voting member of the commission and Robert Bierre, Barbara Johnson, and Donna Reese (withdrew) were selected as non-voting alternates. The decision to select alternates assured continuity in the event of any future vacancies.

Choices for the Township

Currently Millcreek Township operates under the Second Class Township Code (Exhibit 1) enacted by the Commonwealth of Pennsylvania to set up the structure for townships such as Millcreek. Although the Code offers only one form of government, it allows Millcreek four choices of how its government can be organized and operated. Among the oddities to come out of the commission study is the fact that the form of government under which Millcreek operates is not two hundred years old as previously stated but was enacted in 1933 and later amended in 1995. Since the ballot question passed, it gave the study commission an additional four forms of government called Optional Plans (Exhibit 2) under which Millcreek could be organized and operated. The Home Rule and Optional Plan Law pertaining to the different plans available to Millcreek was enacted in 1996 which made these plans and the Second Class Township Code, contemporaneous with each other. The commission now understood that there were indeed, five potential forms of government for the township with one form (the Second Class Township Code) having four possible ways for the township to organize and operate.

The motivation of the voters for approving this study appeared to be an interest in examining possible government options and benchmarking Millcreek's performance, rather than mandating a concrete change in government form. With this in mind and the knowledge they had nine months to make their recommendation; the commission began its study.

The commission prepared a budget of Twenty Nine Thousand Five Hundred Fifty (\$29,550) Dollars (Exhibit 3) based on data gleaned from previous studies from other municipalities. Independent of the commission, the township included in its annual budget the amount of Fifty Thousand (\$50,000) Dollars. As the commission was to find, both of these amounts were far more than what was needed. Among the reasons the commission spent less was the fact that all the members voluntarily absorbed the expense for supplies, phone calls, travel and other items that had been budgeted to be paid by the township. In addition, the township assigned Phyllis Vollbrecht to help the commission thereby saving the cost of hiring a secretary and the internet made researching and obtaining data far less expensive than traveling around the Commonwealth conducting interviews.

The Process

The commission employed several techniques to gain information on which to base our decision. The commission acquired and reviewed financial information from twenty-five townships throughout Pennsylvania. Research papers from various sources were used as reference materials including Millcreek's standing among these twenty- five townships in a variety of township services. Research was performed on hundreds of documents comparing data, not only from Pennsylvania but from other states as well. (Exhibit 4)

Study of the Second Class Township Code and the Optional Plans enabled the commission to consider all of the above in forming our recommendation. Using this data, we compared the cost of township government versus other communities to see how the township ranked against the others and how these costs were relevant to the various services delivered to the citizens of Millcreek. Among the areas studied, to name a few, were Public Safety (Police and Fire Protection), Taxes, Roads, Water and Sewer, Parks and Recreation, population and the size of government. (Exhibit 5) In addition, the respective sizes of the studied communities were compared for how the governments, including all employees of the different departments made themselves accessible to the citizens. Also, the commission studied the availability of different elected officials to these citizens, how they used various boards to perform government functions, as well as other methods they used to communicate such as community television programming, printed flyers and local media accessibility. (Exhibit 6)

Demographics were also used to compare Millcreek with the other communities. This proved to be a useful tool as no two communities are exactly alike but valuable comparisons could be made. (Exhibit 7)

Public input was also important. The commission from its very beginning took a strong position on transparency and invited all citizens to observe their weekly work sessions, submit written questions and reserved one meeting each month for public comment. In addition, the meetings were telecast on the community television station and through public announcements and advertisements. Deadlines were also established for all written and verbal submissions.

With all this in place, the commission continued a steady, economical and methodical process to thoroughly investigate the entire government of Millcreek.

Personal interviews with over sixty township employees from various departments were conducted. Each was asked the same questions, promised confidentiality and at the end of each interview, encouraged to share any opinions with the commission interviewer. The interviews yielded an unblemished view of the township workings and enlightened the commissioners. In addition, the three current supervisors were personally interviewed and their observations, explanations and opinions noted. The commission also invited four past supervisors to meet with us and give their comments. Only Jess Jiuliante, Jr. and Larry Curtis had schedules that permitted them to be available to us and their comments were very much appreciated.

The commission reached out to the other municipalities we studied and requested personal comments from the various Managers and Supervisors as well as all Department Heads to better understand how they have functioned under the various choices available to us. Reservedly, most stated that their system was best for them. Some offered pros and cons to the different alternatives but most stated their township was running well.

There are professional organizations of municipal managers. One, the International City/County Management Association actively promotes the Council-Manager form of government as the preferred structure but also supports professional management in all forms of government. These individuals are experienced in the area of government management and maintain a resource center to best serve their members. Other resources made available to the commission were those of the Governor's Center for Local Government Services, (including two face to face meetings with representatives from this office), past publications of other study commissions and Management Partners, a fee based company that actively manages governments for those communities that want management but do not want to hire a manager. This company performs that task as an outsourcing function.

Analysis of the Potential Forms of Government

Since the voters approved the study of the township government, the choices for the commission to consider were to continue to act under the Second Class Township Code or recommend one of the four Optional Plans. The following is a review and explanation of the structure of these plans.

Optional Plans:

Executive (Mayor) - Council Plan A

Under this plan each municipality shall be governed by an elected council, an elected executive (mayor) and when recommended by the study commission and adopted by the voters, an elected treasurer, an elected controller and by such other officers as may be duly appointed. The executive (mayor) and treasurer shall serve four year terms. The council shall consist of three, five, seven or nine members and shall be elected to serve four year terms. The executive (mayor) shall enforce the plan and ordinances and all general laws of the municipality. He or she shall annually report to the council and the public on the work of the previous year and shall supervise the departments of the government. Any ordinance adopted by council shall be approved by the mayor or if vetoed, the council can override his or her veto by a majority vote.

Executive/Mayor - Council Plan B

Council Plan B operates as Plan A except under this plan the municipality must have a department of administration. There must also be an executive (mayor) along with a council and any other departments the council shall establish.

Executive (Mayor) -Council Plan C

Under this plan the executive (mayor) shall enforce the ordinances drawn by council and from time to time make recommendations for action by the council he or she deems in the public interest. In addition, the executive (mayor) shall appoint with council approval, a managing director who shall supervise the departments of government and shall be the contact person between the various departments of government and the executive (mayor).

Council - Manager Plan

Much time was spent by the commission considering this form of government. Under this plan the township would have an elected council, one member of which shall be chosen to be the mayor or president of council. In addition, there shall be appointed a municipal manager and if provided by the plan, an elected treasurer, an elected controller and any other officers and employees duly appointed according to the ordinance. The treasurer and controller shall be elected for a term of four years. The council shall in most cases consist of five members but can have three, seven or nine, if recommended. The council shall be elected at large unless the authority is granted to be elected by districts. It is also possible to have both at large members and district members if specified in an initiative petition. The council member's term shall be four years. However, this plan also provides for the mayor to be elected directly by the voters in lieu of being chosen by the council if recommended by the study commission. A municipal clerk or secretary shall be appointed and shall serve as clerk of the council. The clerk shall keep the records of the township, compile ordinances and resolutions as required and perform any functions required by law or ordinance. The council's powers shall be legislative and it shall adopt ordinances and define the responsibilities of the various departments it deems necessary to perform the conduct of township affairs. The council shall appoint the municipal manager. The municipal manager and the municipal clerk offices may be held by the same person. The council shall create the departments, boards and offices of the township, but no member of the council shall head an administrative department. The council shall act in all matters as a body, and it is contrary to the spirit of this plan to seek to individually influence the official acts of the municipal manager or any other officer of the township. The council shall deal with the administrative services solely through the township manager and shall not give any orders to any subordinates of the township manager, either publicly or privately. The township manager shall be appointed for an indefinite term and can be removed by the council.

The township manager shall be the chief executive of the township and shall execute all laws and ordinances of the township. The manager shall appoint all

department heads and employees under established procedures. The manager shall negotiate all contracts for the township, subject to the approval of the council, and make recommendations for township improvements and execute these as determined by the council. The manager shall make recommendations concerning policy, prepare and submit budgets, and perform other duties as required by ordinance or resolution and is responsible for carrying out all policies of the township.

Second Class Township Code

As previously mentioned, this is the form of government under which Millcreek Township currently operates. What is often misunderstood is the definition and role of the supervisors. Supervisors are elected to serve a six year term, only as legislators. For want of a better way to explain it, they are elected to this part-time position and perform a legislative function. For the position of Supervisor, they can be paid up to Five Thousand (\$5,000) Dollars per year and meet generally four times a month to do the business of the township. When enacted, the code provided for a township such as Millcreek to actually have four different ways to organize and operate. The four ways to organize are:

1. Three (3) Part-Time Supervisors with a Full-Time Manager

If the supervisors so choose, they can remain solely in the part-time position of supervisor and hire a manager to run the day to day operations of the township. The manager serves at the pleasure of the board of supervisors and is answerable to them. (Similar to the Council-Manager permitted under the Optional Plans and explained above)

2. Five (5) Part-Time Supervisors with a Full-Time Manager

This is the same as the Three Supervisor system except there are two additional supervisors. If the supervisors so choose, they can remain solely in the part-time position of supervisor and hire a manager to run the day to day operations of the township. Again, the manager serves at the pleasure of the board of supervisors and is answerable to them (similar to the Council-Manager permitted under the Optional Plans and explained above).

Advantages of Part-Time Supervisors with a Full-Time Manager

- Supervisors can concentrate on an overview of the township.
- Supervisors are not burdened with day to day operations.
- Single source of contact for employees.
- · Professional manager.
- Poor managers can be more quickly removed.
- Voters can change supervisors without changing managers and disrupting the workings of government and/or its functions.
- Management structure can be modeled after corporate industry practices.
- Cost of running for office should be less thereby allowing more citizens to run.

Disadvantages of Part-Time Supervisors with a Full-Time Manager

- Termination of managers with contract can be expensive to the taxpayers.
- Managers are not directly answerable to the voters.
- Confusing to the public. They may look to the Supervisors for answers instead of the manager.
- Supervisors no longer have complete understandings of the functions of government.
- Managers will most likely need hired assistants thereby increasing the cost.
- Replacing a poor manager could be slow and expensive.

3. Five (5) Part-Time Supervisors hired as Full-Time employees

Under this system, the supervisors can be employed as Roadmasters, Secretary, Treasurer, and Secretary-Treasurer or in any employee capacity not otherwise prohibited by this or any other act. All five positions serve at the pleasure of the board of supervisors and are answerable to them.

4. Three (3) Part-Time Supervisors hired as Full-Time employees

This is the current system under which Millcreek is operating. Supervisors do not receive any pay as part-time supervisors but do as full-time employees. It has become the practice in Millcreek to have the supervisors hire themselves as employees of the township. Two are designated as Roadmasters and the third

supervisor serves as the Secretary. In these positions, they are paid more than Seventy Thousand (\$70,000) Dollars per year and enjoy the benefits of all township employees including hospitalization coverage, pensions, vacation pay and the like. Although it may be confusing, the best way to think of the current structure is that the elected supervisors are wearing two hats, one as a supervisor and one as a township employee.

Advantages of Part-Time Supervisors hired as Full-Time employees

- Provides "hands-on" management.
- Employees always have more than one person available for guidance.
- Offers greater continuity because of staggered terms.
- Allows for complete change in philosophy of government within four to six years.
- Allows each supervisor to concentrate on one area of the township and still be familiar with the other areas.
- In theory, rotation of responsibilities allows for a better understanding of all facets of township government by the supervisors.
- Forces accountability to the voters or face defeat at the next election.
- Allows the public to choose specialization in their leaders.
- Allows every citizen to become supervisor and still earn a living.

Disadvantages of Part-Time Supervisors hired as Full-Time employees

- Conflicts can occur if some supervisors do not have the same "work ethic" as the others.
- Personality conflicts among supervisors as full-time employees can affect the other township employees.
- Role between that of supervisor and employee becomes blurred.
- Learning curve for a new supervisor as full-time employee is steep.
- No single source of contact for employees.
- Can be disruptive if some supervisors want to be employed and others do not.

Narrowing the Choices

The study commission has extensively reviewed and analyzed all the choices available so it could make an informed recommendation to the voters of Millcreek Township. It has listened to valuable public comment, has interviewed officials from other communities operating under the various plans, and has talked with Commonwealth officials knowledgeable in these matters and talked with companies which offer management services to municipalities. The input and observations of all these sources were helpful and appreciated.

In addition, the commission has interviewed township employees, the current supervisors and two former supervisors and discussed at length, during our work sessions, all of the forms of government available to us. Often the discussions were spirited but were always informative, constructive and positive. We reviewed and analyzed financial data from many communities and compared it to the financial operations of Millcreek Township. We sought to find patterns of strength and weakness in the current operations and how the various forms of government might affect these operations both from a positive as well as a negative viewpoint. Although we concentrated much of our time and effort on these financial operations, we kept in mind that the effectiveness of government was as important as the cost of government.

The Executive (Mayor) - Council Plans A, B and C

(Not Recommended)

After review, none of these forms present any improvement to the Second Class Township Code form of government under which we are currently operating. All would cause duplication and make the system more political. The result of a change to any of these forms would be a likely increase in costs due to the changeover, an increase in the number of elected officials, higher taxes and prove confusing to the citizens with no real advantage to the current form under which Millcreek operates. Therefore, none of these forms seem a good fit for Millcreek Township.

Council - Manager Plan

(Not Recommended)

This plan has been offered by some as a desirable form of government for the township. However, there are many reasons why this is not the best form for Millcreek. Under this plan, all the authority and responsibilities for the operation of the township are controlled by the manager. It is difficult to believe that one manager could do the job now being done by three. This would undoubtedly mean the manager would hire several assistants to aid in his job. Our study shows that this is exactly what has occurred in other townships and the total cost of the manager and his assistants is considerably higher than what the current supervisors as employees are being paid.

Also, this person is not directly accountable to the voters and therefore is insulated from direct influence by the voter. This would appear to be a positive as it would seem that all decisions would be made without any political pressure. Unfortunately, pressures from the council can influence the decisions of the manager and the council members themselves are subject to such pressures.

In many municipalities studied, a divided council can affect the performance of the manager in that he tries to please the majority of the council for fear of losing his job rather than what is best for the township. In one case, the manager became involved in the political process and sought candidates to run who would support his position per discussion with an official from the Governor's Center for Local Government Services.

Also, since the council is not involved in the day to day management of the township, they are less informed and tend to become dependent on the manager for all information and guidance. This can lead to the council becoming subordinate to the manager. In other cases, when the manager acts too independently of the council, he has been terminated even if his intentions were in the best interests of the citizens and but did not want to bow to political pressure. Because the manager serves at the pleasure of the council, he can be dismissed at any time. (Exhibit 8) This can prove to be a financial hardship for any responsible manager. This also encourages managers to move from one position to another for higher pay or to avoid any unpleasant working conditions with a council. One study from the state

of Florida experienced a twenty-five percent (25%) turnover in a two year period. In another, it was found that as high as 80% of the managers were from outside the local area and therefore did not have ties to the community. (Exhibit 9) This kind of turnover could prove devastating to the orderly function of government. In addition, there is now a movement by the professional managers association mentioned above to protect the manager from the financial uncertainty of dismissal by entering into binding contracts. According to Management Partners these contracts, which are now the norm, provide for compensation in the event of dismissal. If a township makes a poor selection of a manager or the council for whatever reason is not satisfied with his actions or performance and terminates the manager, there can be a significant cost to the township as most managers are now career managers and highly paid. The turnover of managers is significant with two to four years not being uncommon. Some communities have managers in place for as many as eight years, however, this is not the norm. Although there may be those who support a change to a Council-Manager form, the studies are inconclusive as to the efficiency gains of this particular form.

The Council-Manager Optional Plan is found to be undesirable as it would lead to more government, less accountability, more political pressure and a step backward as far as the average citizen having access to its leaders. In addition, this plan offers little flexibility as to how it is organized because there is only one option. This is important, as times and needs change; the form of government needs to be able to change, too. This form of government would add costs and do nothing to improve the effectiveness or flexibility of our current government.

Second Class Township Code

(Recommended)

As stated earlier, a very misunderstood reality of the present set up in Millcreek is the fact that the current board of supervisors do not work for the township. The supervisor position is effectively a part-time position but by custom, allowable by law, they have hired themselves to be *de facto* managers of the township. At any time, the supervisors can decide to hire a manager and continue only as a legislative body.

In 1933 and again in 1995 when it was amended, the Second Class Township Code was very well thought out and designed to accommodate the needs of a township such as Millcreek. Credit must be given to those who wrote the document as it not only provides for effective and efficient management of the government but is written in such a way as to be flexible. Being flexible provides for townships to be able to adapt their government as their needs change. The Code permits townships to be governed by either three or five supervisors and the change from one to the other can be accomplished either by resolution of the supervisors or by petition of five (5%) percent of the voters. Once either of these occurs, the question is placed on the ballot and the voters decide. Whether there are three or five supervisors it is still the decision of the supervisors whether to hire themselves as employees of the township or decide to have a township manager. It is not a decision the voters make, rather the decision to hire a manager is exclusively that of the supervisors.

If there is sentiment for the continuing system whereby the supervisors hire themselves as employees then the voters can decide if they agree by voting for a candidate that intends to follow the current system. If a candidate comes forward who wants the supervisors to hire a manager then he or she can run on that platform and again the voters can decide by how they vote. Since only one supervisor is elected at each voting cycle, it may take two or more cycles for one system to prevail over another. This in itself is an advantage of the Second Class Township Code as it makes for an orderly transition of government management.

The Second Class Township Code has permitted Millcreek to operate well in the past and the Millcreek Township Government Study Commission recommends that it be continued as it offers the most flexibility for current needs as well as provides for the flexibility to meet future needs.

As stated earlier, there has been much discussion about changing to a Council-Manager form under the Optional Plan. The discussion inferred the township would be better operated under a township manager with the supervisors being only supervisors. In essence, having an expanded five member part-time board of supervisors with a full-time manager as permitted under the Second Class Township Code would be very much like the Council-Manager Plan.

However, the Second Class Township Code has several advantages over the Council-Manager Plan. The transition would be orderly and occur over a number of years giving everyone plenty of time to think about this important decision. It would be far less costly as the Council-Manager Plan would require writing a comprehensive administrative code and rewriting all the township ordinances and recreating how the township and its departments were organized. This would be a monumental task and very expensive both from a cost standpoint as well as affecting the functioning of the township government.

With this in mind, if the voters wanted a system in place where the supervisors acted only as supervisors and desired a manager they can simply follow the Second Class Township Code and obtain the necessary signatures to add two additional supervisors who share that view. If, the required signatures were obtained, it would appear on the ballot for the voters to decide. If the question were to pass then there would be five supervisors to make the final decision whether to employ a manager.

The Second Class Township Code allows all the organizational factors to remain in place which would allow the function of the government to continue and would not produce the extensive costs of "reinventing the wheel".

Conclusion

As the commission worked through this assignment, we realized that we were looking at the township through eyes that no one had done before. With this in mind, we thought it appropriate to include with this report, ideas, concerns and points of interest we felt may be helpful. (Exhibit 10)

The study commission found that for the most part Millcreek Township has been well run for many years and has maintained a good reputation for being a desirable place to live and work. There are many amenities offered to its citizens as well as our neighbors, visitors and those passing through. Supervisors both past and present have had a genuine concern for what is best for the township and have been progressive in how they have prepared for the future. The employees of the

township conduct themselves professionally and provide the necessary back up so the citizens of Millcreek are delivered quality service.

Comparing the cost and effectiveness of government finds that Millcreek stacks up very favorably to other communities and in most cases has lower cost of government with higher positive results. There have been many comments made that the township should run like a business. Unlike a business, government does not need to be profitable but to give services and spend the tax dollars wisely. Purely and simply it is not a business. It is government, ultimately run by the people through the representatives they elect.

The commission has looked at the responsibilities of this report not just from the large amount of financial information provided but also from a philosophical viewpoint as to what makes a good community and how to insure it continues to be one. The research suggests that the effectiveness of government depends more on individual variables than the form of the government. The study commission has found and firmly believes that the system or form of the government is less important than who runs the government. When you have good, conscientious people with an outstanding work ethic running the government; you will have good government. When you do not have good, dedicated people with a good work ethic, you will not have good government. In addition, the closer you keep the leaders of government to the voters, the better. Placing another level between the voter and their leaders does not offer as much direct contact or sense of the needs of the community.

The study commission has reviewed many different facets of this issue as to whether to recommend a change in the form of government away from the Second Class Township Code and finds there is an absence of compelling evidence that a change is justified. After researching the various forms and recommending that the Second Class Township Code remain does not mean that there cannot be a change in how Millcreek Township operates. As was stated earlier, the form of government and the operation of government are not the same thing. Remaining under the Second Class Township Code allows for changes to the operation of the township without changing the form of the government because of its flexibility.

The study commission has resolutely maintained an objective review of the assignment entrusted to us so we could make an unbiased recommendation. In the final analysis the voters should choose how their government operates and choosing individuals that have their confidence is what elections are all about.

August 28, 2012

Millcreek Township Government Study Commission

Richard Millhouse

Douglas Prozan

William Lamberton

Jason Owen

Robert Praetzel

Brain Paul Martin

Joy Greco

SECTION IV

The Millcreek Township Government Study Commission recommends the continuation of the Second Class Township Code.

The extensive investigation of the various forms of government available to Millcreek Township has convinced the members of the study commission that this is the best form of government for the township, at this time.

This report and its exhibits will permit the reader to follow the commission's recommendation in a clear and concise manner.

SECTION V

Exhibit 1

SECOND CLASS TOWNSHIP CODE

Act of May 1, 1933

Reenacted and amended November 9, 1995

This is an partial version of the Code, containing the information relevant to the organization of Townships under the Code. The full version can be found at:

www.psats.org (click on Second Class Township Code)

ARTICLE I PRELIMINARY PROVISIONS

Section 101. Short Title.-This act shall be known and may be cited as "The Second Class Township Code." (53 P.S. §65101)

Section 102. Definitions.-The following words, terms and phrases, as used in this act shall have the following meanings, unless the context clearly indicates otherwise:

"Census" or "official census," the latest United States Census Bureau population count resulting from a decennial or special census conducted by the United States Census Bureau.

"Highway" or "State highway," any highway, road or street which qualifies as a State highway or a portion of the rural State highway system as provided in section 102 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."

"Municipal corporation," any city, borough, incorporated town, township of the second class, township of the first class or home rule municipality, except home rule counties.

"Road" or "public road," the entire width between the boundary lines of every way, street, lane, alley, court or public square maintained by the township which is open to the use of the public for purposes of vehicular travel.

"Township," a township of the second class. (53 P.S. §65102)

Section 103. Excluded Provisions .-- (a) This act does not repeal any acts relating to:

- (1) The assessment and valuation of property and persons for the purposes of taxation and collection of taxes and the collection of municipal claims by liens.
- (2) The method of incurring or increasing indebtedness.
- (3) Election officers and conduct of elections.
- (4) Public schools and school districts.
- (5) Constables.
- (6) District justices.
- (7) State highways and private roads.
- (8) Validations of elections, bonds, ordinances and acts of corporate officers.
- (9) Free nonsectarian libraries.
- (10) Intergovernmental cooperation.
- (11) Planning and land use.
- (12) Public meetings.
- (13) Inspection of records.
- (14) Ethics of elected officers and employes.
- (15) The levy or collection of taxes under general law.
- (b) It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of townships except as to the several matters enumerated in subsection (a). (53 P.S. §65103)

Section 104. Construction of Act Generally.-The provisions of this act, insofar as they are the same as those of existing laws, are intended as a continuation of those laws and not as new enactments. The repeal by this act of any State law or part thereof does not revive any act or part thereof previously repealed or superseded The provisions of this act do not affect any act done, liability incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any repealed laws. (53 P.S. §65104)

Section 105. Constitutional Construction.-The provisions of this act are severable, and, if any of the provisions are held to be unconstitutional, that decision shall not affect the validity of any of the remaining provisions of this act. It is the legislative intent that this act would have been adopted had the unconstitutional provision not been included. (53 P.S. §65105)

Section 106. Construction of References.-When, in this act, reference is made to any act by title, it includes any codification in which the provisions of the act referred to are substantially reenacted. (53 P.S. §65106)

Section 107. How Act Applies.-This act shall apply to all townships of the second class as now exist and those created, established or reestablished after this act takes effect. (53 P.S. §65107)

Section 108. Saving Clauses When Class of Township Changed.-When any township of the second class is reestablished as a township of the first class or when any township of the first class is reestablished as a township of the second class, all liabilities incurred, rights accrued or vested, obligations issued or contracted and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or punish any offense committed before the change of class and all resolutions, rules and regulations shall continue with the same force and effect as if no change had been made.(53 P.S. §65108)

Section 109. Legal Advertising.-When notice is required to be published by a township in one or more newspapers, unless otherwise specified, publication shall be made in the legal notice section in a newspaper of general circulation in the township, as defined by 45 Pa.C. S. (relating to legal notices). When the notice relates to any proceeding or matter in any court or the holding of an election for the increase of indebtedness or the issue and sale of bonds to be paid by taxation, the notice shall also be published in the legal newspaper of the county, if any, so designated by the rules of court. Auditors' statements, summaries of auditors' statements, notices of public meetings and hearings, notices of budget proposals, ordinances, lists of delinquent taxpayers and advertisements inviting proposals for public contracts and for bids for materials and supplies shall be published only in newspapers of general circulation. (53 P.S. §65109)

ARTICLE II CLASSIFICATION, CREATION, REESTABLISHMENT AND CHANGE OF NAME OF TOWNSHIPS

Section 201. Classification of Townships.-The townships now in existence and those to be created after this act takes effect are divided into two classes, townships of the first class and townships of the second class. Townships of the first class are those having a population of at least three hundred inhabitants to the square mile, which are now established as townships of the first class, or which may be created townships of the first class under laws relating to townships of the first class. All townships that are not townships of the first class or home rule townships are townships of the second class. A change from one class to the other shall be made only under this act or the laws relating to townships of the first class. (53 P.S. §65201)

Section 202. Reestablishment of Townships.-A township of the first class may, irrespective of population, be reestablished a township of the second class in the following manner:

- (1) The board of commissioners of the township of the first class on its own initiative may, or within fifteen days after the receipt of a petition signed by at least five percent of the electors of the township of the first class shall, pass a resolution and record it on its minutes, submitting the question of whether the township of the first class shall be reestablished as a township of the second class to the electors of the township of the first class.
- (2) At the next primary, general or municipal election occurring at least ninety days after the passage of the resolution, the question, whether the township of the first class shall be reestablished as a township of the second class, shall be submitted to the voters of the township; and the county board of elections shall place the question of reestablishment as a township of the second class on the ballot under the election laws of this Commonwealth.
- (3) The election officers shall compute the votes cast at the election and certify them to the county board of elections, which shall compute them and certify the result to the county commissioners and the board of commissioners of the township of the first class and to the clerk of the court of common pleas. If a majority of the votes cast at the election are in favor of the reestablishment of the township of the first class as a township of the second class, the government of the township of the second class shall be organized and become effective on the first Monday of January after the election, when the terms of the officers of the township of the first class shall cease, and the officers appointed by the court for the township under section 205 shall take office. If a majority of the votes cast at the election are in favor of remaining a township of the first class, no further proceedings shall be initiated for a period of two years from the date of the election. (53 P.S. §65202)

Section 203. Creation of Townships by Annulment of Charter of Borough. - Townships of the second class may be created by the annulment of a charter of a borough under laws governing boroughs. (53 P.S. §65203)

Section 204. Classification of New Townships.-When a new township is created either by consolidation of two or more townships or reestablishment of a township of the first class as a township or by annulment of a charter of a borough, the new township shall be classified as a township of the second class.(53 P.S. §65204)

Section 205. Appointment and Election of Officers of New Townships.- When a new township results from the consolidation of townships or is created as a result of the annulment of a charter of a borough or when a township of the first class is reestablished as a township of the second class, the court of common pleas shall appoint the elective officers for the new township and determine the polling place or places in the new township. The appointed officers shall hold their offices until the first Monday of January after the next municipal election which occurs at least ninety days after the appointments. At the municipal election, a tax collector shall be elected for a regular four-year term if the election occurs in the year when such officer is elected for a regular term, and, if not, he shall be elected for a term of two years and his successor shall be

elected for a four-year term. At the first municipal election, one supervisor and one auditor shall be elected for terms of six years each, one supervisor and one auditor for terms of four years each, and one supervisor and one auditor for terms of two years each. All officers shall take office on the first Monday of January after their election. (205 Amended by Act 166 of 2006) (53 P.S. §65204)

Section 206. Certificates of Clerk of Court; Fee; Penalty.—(a) When a township of the second class results from the consolidation of two or more townships or is created or reestablished, the clerk of the court of common pleas within thirty days shall certify the action to the Department of Community Affairs and the Department of Transportation. The clerk may charge a fee of three dollars and fifty cents (\$3.50) to be paid as part of the costs of the proceedings.

(b) A clerk who fails to furnish the certifications, or either of them, shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than fifty dollars (\$50) and, in default of the payment of the fine and costs, undergo imprisonment of not more than ten days. (53 P.S. §65206)

Section 207. Change of Name of Township.-(a) Upon petition to the court of common pleas of at least ten percent of the electors of a township or upon passage of a resolution by the board of supervisors seeking a change of the name of the township, the court shall order a referendum on the question.

- (b) If the court determines that the petition or resolution for change of name of the township is in proper form and properly executed, the original petition or resolution shall be filed with the clerk of the court. A copy of the petition or resolution and order of the court shall be filed with the county board of elections, which shall frame the question to be submitted to the electors at the next general or municipal election which occurs at least sixty days after the court order.
- (c) The election officers shall compute the votes cast on the question and certify them to the clerk of the court of common pleas, who shall tabulate them and certify the result. If a majority of the votes cast at the election are in favor of the change of township name, the court shall so order and shall order the record of the proceedings to be permanently recorded. If a majority of the votes are against the change, there shall be no further proceedings on the petition or resolution. (53 P.S. §65207)

ARTICLE III TOWNSHIP LINES AND BOUNDARIES

Section 301. Stream Boundaries.-When any township is bounded by the nearest margin of any navigable stream and the opposite municipal corporation is also bounded by the nearest margin of the same stream, the middle of the stream is the boundary between the township and the opposite municipal corporation. This section does not repeal any local or special law. (53 P.S. §65301)

Section 302. Ascertainment of Boundaries.--(a) The courts of common pleas may upon the presentation of a petition:

- (1) require the lines or boundaries of townships to be ascertained and
- (2) ascertain disputed lines and boundaries between two or more townships or between townships and any municipal corporation.
- (b) When any petition is presented, the court may require the petitioners to file a bond in a sufficient sum to secure the payment of all costs of the proceeding. (53 P.S. §65302)

Section 303. Petition to Court; Commissioners' Report.-Upon application by petition, the court shall appoint three impartial citizens as commissioners, One of whom shall be a registered surveyor or engineer, to inquire into the request of the petition. After giving notice to parties interested as directed by the court, the commissioners shall hold a hearing and view the lines or boundaries; and they shall make a plot or draft of the lines and boundaries proposed to be ascertained and established if they cannot be fully designated by natural lines or boundaries. The commissioners shall make a report to the court, together with their recommendations. Upon the filling of the report it shall be confirmed nisi, and the court may require notice to be given by the petitioners to the parties interested. (53 P.S. §65303)

Section 304. Exceptions and Procedure.-Exceptions to the report may be filed by any interested person or municipal corporation or school district within thirty days after the filing of the report, and the court shall set a day for the hearing of the exception. Notice of the hearing shall be given as the court may direct. After hearing, the court may sustain the exceptions or dismiss them and confirm the report or refer the report back to the same or new commissioners with authority to make another report. If no exceptions are filed within thirty days after the filing of the report, the court shall confirm the report absolutely. When any report is confirmed absolutely, the court shall enter a decree establishing the lines and boundaries as shown in the report. (53 P.S. §65304)

Section 305. Costs.-The compensation and expenses of commissioners appointed to ascertain and establish township lines shall be in the amount approved by the court. The court shall ascertain how the costs of the proceeding, including the furnishing and placing of markers, shall be paid and may assess them against the petitioners, any affected township or municipal corporations and school districts affected. (53 P.S. §65305)

Section 306. Adjustment of Indebtedness.-When the boundaries of any township are ascertained and established, the court of common pleas may adjust the taxes, debts and expenses for township, municipal and school purposes between the townships, municipal corporations and school districts affected. (53 P.S. §65306)

Section 307. Adjustment for Costs or Values of Improvements.- (a) When the boundaries of any townships have been ascertained and established or when an annexation procedure is consummated with the result that a portion of a township is determined to be within the boundaries of another municipal corporation the township shall be paid by the municipal corporation the following costs or value of improvements located within the portion of the

township affected:

- (1) The value of all improvements to roads by the township within five years.
- (2) The cost of sanitary sewer systems constructed by the township within fifteen years.
 - (3) The value of public buildings and all improvements other than roads and sewers.
- (b) All costs or values shall be paid within one year after the final confirmation by the court or before the completion of the annexation process. This section does not apply to the cost of any road, sanitary sewer systems or facilities which have been assessed against the real property within the affected territory.
- (c) If any present indebtedness of the township losing the affected area exists by reason of any improvements located in the affected area and the municipal corporation gaining the affected area assumes a portion of the indebtedness, any payment on account of the indebtedness shall be a credit to the municipal corporation gaining the affected area on account of the cost of the improvement.
- (d) When an amicable settlement cannot be made on the amount to be paid under this section, the court of common pleas, upon application by any one of the municipal corporations involved, shall determine the amount to be paid. (53 P.S. §65307)

ARTICLE IV ELECTION OF OFFICERS; VACANCIES IN OFFICE

Section 401. Township Officers to be Electors.-No person is eligible for the office of supervisor, auditor or tax collector in any township unless that person is an elector of the township. (401 Amended by Act 166 of 2006) (53 P.S. §65401)

Section 402. Officers to be Elected.—(a) Except as provided in subsection (b), the electors of each township shall elect three supervisors, three auditors and one tax collector. No person shall at the same time hold more than one elective township office.

(b) Upon petition of at least five percent of the electors of the township or under a resolution of the board of supervisors and upon approval by a majority of those electors voting at the next municipal or general election, there shall be elected two additional supervisors. The referendum petition or resolution of the board of supervisors certified by the township secretary shall be filed with the county board of elections not later than the thirteenth Tuesday before the next municipal or general election. The county board of elections shall place the question before the electors as provided under the act of June 3, 1937 (P.L. 1333, No. 320), known as the "Pennsylvania Election Code." The form of the question shall be as follows:

Should two additional supervisors be elected to serve in the township? Yes
No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. The total number of supervisors shall not exceed five. In no event shall the question of additional supervisors be voted on more than once in any three-year period.

- (c) At the first municipal election following approval at a general election of the question providing for the election of two additional supervisors, one of the additional supervisors shall be elected for a term of four years and one for a term of six years, each to serve from the first Monday of January after the election. At the first general election following approval at a municipal election of the question providing for the election of two additional supervisors, one of the additional supervisors shall be elected for a term of three years and one for a term of five years, each to serve from the first Monday of January after the election. After that time, the additional supervisors shall be elected for terms of six years each to serve from the first Monday of January after the election.
- (d) In townships in which the electorate has opted for a five-member board, the township shall return to a three-member board of supervisors upon petition of at least five percent of the electors of the township, or under a resolution of the board of supervisors, and upon approval by a majority of electors voting at the next municipal or general election. The referendum petition shall be filed with the county board of elections not later than the thirteenth Tuesday before the next municipal or general election. The county board of elections shall place the question before the electors as provided under the "Pennsylvania Election Code." The form of the question shall be as follows:

Should the township return to a three member board of supervisors? Yes
No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. In no event shall the question of reducing the five-member board of supervisors be voted on more than once in any five-year period.

(e) At the first municipal election following approval of the question providing for a return to a three-member board, three supervisors shall be elected to serve from the first Monday of January after the election, when the terms of the officers of the five-member board of supervisors shall cease. The three candidates receiving the highest number of votes for the office of supervisor

shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years. The candidate receiving the second highest number of votes shall serve for a term of four years. The candidate receiving the third highest number of votes shall serve for a term of two years. After that, supervisors shall be elected under section 403. (402 Amended by Act 166 of 2006) (53 P.S. §65402)

Section 403. Supervisors.—(a) Except as provided under section 402(b) for the election of additional supervisors or under section 402(e) for a return to a three-member board, or when vacancies create shorter terms, at each municipal election, the electors of each township shall elect one supervisor to serve for a term of six years from the first Monday of January after the election.

- (b) Except as otherwise provided in this act, no supervisor shall at the same time hold any other elective or appointive township office or position. Nothing in this subsection shall prohibit a supervisor from being a member of a township planning commission created under the act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code."
- (c) Supervisors shall reside in the township from which elected and shall have resided in that township continuously for at least one year before their election. (53 P.S. §65403)

Section 404. Auditors-(a) Except when vacancies create shorter terms, at each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January after the election. Auditors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

- (b) No auditor shall at the same time hold any other elective or appointive township office or position or be an employe of the township for which he has been appointed. ((b) amended Dec. 18, 1996, P.L.1142, No.172)
- (c) In the event that there concurrently exists two or more vacancies for the position of township auditor, a person shall be ineligible to seek nomination or election to fill more than one such vacancy. (53 P.S. §65404)

Section 405. Repealed by Act 166 of 2006. (53 P.S. §65405)

Section 406. Tax Collector.-(a) At the municipal election in the year 1993 and at the municipal election every four years after that, the electors of each township shall elect one tax collector to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election. Tax collectors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) If the electors of any township fail to choose a tax collector or if any person elected to the office fails to give the required bond or to take the required oath, the vacancy shall be filled under section 407. (53 P.S. §65406)

Section 407. Vacancies in General-If the electors of any township fail to choose a supervisor, tax collector or auditor or if any person elected to any office fails to serve in the office or if a vacancy occurs in the office by death, resignation, removal from the township or otherwise, the board of supervisors may appoint a successor who is an elector of the township and has resided in that township continuously for at least one year prior to their appointment, and, upon their failure to make the appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the board of supervisors and one elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon after that as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within fifteen days, the chairman shall, or if there is a vacancy in the chairmanship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. If two or more vacancies in the office of supervisor occur on a three-member board or three or more

vacancies on a five-member board, the court of common pleas shall fill the vacancies upon presentation of petition signed by not less than fifteen electors of the township. The successor so appointed shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.(407 Amended by Act 166 of 2006) (53 P.S. §65407)

ARTICLE V TOWNSHIP OFFICERS GENERALLY

Section 501. Oath of Office.—Every person elected or appointed to any township office shall before assuming the duties of the office take and subscribe an oath or affirmation before a notary public, district justice or judge to support the Constitutions of the United States and of the Commonwealth and to perform the duties of the office with fidelity. A copy of the oath or affirmation shall be filed with the township secretary before assuming the duties of the office. (53 P.S. §65501)

Section 502. Bonds.-When any officer or employe of any township is required to give bond for the faithful performance of the duties of the office, the bond shall be with a surety company or other company authorized by law to act as surety, and the township may pay the premium on the bond. (53 P.S. §65502)

Section 503. Removal for Failure to Perform Duties.-If any township officer fails to perform the duties of the office, the court of common pleas upon complaint in writing by five percent of the electors of the township may issue a rule upon the officer to show cause why the office should not be declared vacant. The officer shall respond to the rule within thirty days from its date of issue. Upon hearing, the court may declare the office vacant and require the vacancy to be filled under section 407.(53 P.S. §65503)

ARTICLE VI TOWNSHIP SUPERVISORS

Section 601. Supervisors and Government of Townships.—Townships shall be governed and supervised by boards of supervisors. Boards of supervisors shall consist of three members or, if approved by the electors under section 402(b), five members. (53 P.S. §65601)

Section 602. Organization Meeting; Appointment of Secretary and Treasurer. —(a) The board of supervisors shall meet at a convenient time and place on the first Monday in January of each year. If the first Monday is a legal holiday, the meeting shall be held the following day. The board of supervisors shall elect one member as chairman and another as vice-chairman, and it shall appoint a treasurer and a secretary. The secretary shall be an individual; however, the board of supervisors may select either a trust company, a banking institution or an individual to serve as treasurer, or the board of supervisors may appoint one individual to serve as both secretary and treasurer. Members of the board of supervisors may be appointed as secretary-treasurer, secretary or treasurer. With regards to boards of supervisors which are designated as three-member boards, any supervisor who is to be considered by the board for any appointed township position or for employment by the township as authorized by law shall not be excluded from voting on the issue of such appointment or employment. Action taken by a supervisor shall be deemed to be within the scope of authority as a supervisor and shall not be deemed to constitute an illegal or an improper conflict of interest. ((a) amended Dec. 18, 1996, P.L.1142, No. 172)

- (b) The meeting under this section may be considered a regular monthly meeting of the board of supervisors. The first order of business at this meeting shall be organization of the board of supervisors.
- (c) The board of supervisors may appoint a supervisor to be employed as roadmaster, laborer, secretary, treasurer, assistant secretary, assistant treasurer or in any employe capacity not otherwise prohibited by this or any other act.
- (d) The board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary if the supervisor's presence is required in a court of law concerning a township-related matter or the supervisor's attendance is required at any meeting of a board, council of government, commission, authority or county government-sponsored committee to which the supervisor has been appointed by the board of supervisors, board of county commissioners or county council of the county in which the supervisor resides. The compensation may be granted at the discretion of the board of supervisors and any rate may be granted to the supervisor up to the supervisor's normal pay rate or lost wages or salary. This subsection shall be subject to the following conditions:
- (1) The court must be in session or other meeting must occur during the supervisor's normal working hours.
- (2) The supervisor must not receive any compensation from the other board, council of government, commission, authority or county government committees for the particular meeting the supervisor attends.
- (3) No supervisor may be compensated for attending more than 120 hours of court sessions, other board, council of government, commission, authority or county government committee meetings within a calendar year. The secretary or manager of the township shall keep an accurate and timely accounting of the number of hours that a supervisor has accrued.(602 amended by Act 101 of 2006) (53 P.S. §65602)

Section 603. Monthly Meetings; Quorum and Voting.-The board of supervisors shall meet for the transaction of business at least once each month at a time and place determined by the board of supervisors. A quorum is two members of a three-member board of supervisors or three members of a five-member board of supervisors. An affirmative vote of a majority of the entire board of supervisors at a public meeting is necessary in order to transact any business. A member shall not be disqualified from voting on any issue before the board solely because the

member has previously expressed an opinion on the issue in either an official or unofficial capacity. (53 P.S. §65603)

Section 604. Special Meetings.-Upon call of the chairman or by agreement of a majority of its members, the board of supervisors may schedule special meetings of the board of supervisors after notice required under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act." Notice of a special meeting shall state the nature of the business to be conducted at the meeting. (53 P.S. §65604)

Section 605. Minutes and Records.-(a) The board of supervisors shall provide for the recording of minutes of its proceedings and other books it may find necessary in the performance of its duties. The records shall be made available to the board of auditors during the annual audit. Unless the custodian of the records agrees otherwise, the records shall be audited or inspected at the place where they are normally maintained. Supervisors who leave office shall deliver all township records in their possession to their successors or to the township secretary.

- (b) All township records required to be recorded or transcribed are valid if typewritten, printed, photostated or microfilmed, and, where recording in a specified book of record is required, including minutes of the proceedings of the board of supervisors, the records may be recorded or transcribed in a mechanical post binder book capable of being permanently sealed, with consecutively numbered pages with a security code printed thereon and a permanent locking device with the township seal being impressed upon each page, or bound book with pages being consecutively numbered by transcribing directly upon the pages of the book of record, or may be attached to the book of record by stapling or by glue or any other adhesive substance or material, and all records previously recorded or transcribed in any manner authorized by this section are validated. When any record is recorded or transcribed by attaching the record or a copy of it to the book of record, the township seal shall be impressed upon each page to which the record is attached, each impression covering both a portion of the attached record and a portion of the page of the book of record to which the record is attached.
- (c) Original or certified copies of ordinances may also be stored in a locking or mechanical post binder book, capable of being permanently sealed, without being fastened onto pages in the binder. (53 P.S. §65605)

Section 606. Compensation of Supervisors.---(a) Supervisors may receive as compensation an amount established by ordinance not in excess of the following:

Township Population	Annual Maximum Compensation
not more than 4,999	\$1,875
5,000 to 9,999	\$2,500
10,000 to 14,999	\$3,250
15,000 to 24,999	\$4,125
25,000 to 34,999	\$4,375
35,000 or more	\$5.000

Salaries are payable monthly or quarterly for the duties imposed by this act. The population is determined by the latest official census figures, except that no township shall be required to reduce the salary of a supervisor as a result of a decrease in population. The compensation of supervisors, when employed as roadmasters, laborers, secretary, treasurer, assistant secretary, assistant treasurer or in any employe capacity not otherwise prohibited by this or any other act, shall be determined by the board of auditors, at an hourly, daily, weekly, semi-monthly or monthly basis, which shall be comparable to compensation paid in the locality for similar services. The board of supervisors may establish a mileage allowance, under the act of July 20, 1979 (P.L. 156, No. 51), referred to as the Uniform Mileage Fee Law, to be paid to officers and employes for the use of a personal vehicle when required and actually used for authorized township business. No supervisor may receive compensation as an employe for attending a meeting of the board of supervisors. Supervisors may continue to be compensated under prior law until such time as an ordinance is enacted under this act. Any change in salary, compensation or emoluments of the

elected office becomes effective at the beginning of the next term of the supervisor. A decision by the township to pay, in whole or in part, to include supervisors not employed by the township in insurance plans, as authorized in subsection (c), shall not be implemented with regard to any nonemploye supervisor until the beginning of the next term of that supervisor.

- (b) Any benefit provided to or for the benefit of a supervisor employed by the township in any employe capacity under this act in the form of inclusion in a pension plan paid for in whole or in part by the township is compensation within the meaning of this act to the extent that benefit is paid for by the township and is determined by the board of auditors; however:
- (1) Supervisors are eligible for inclusion in township pension plans only if they are employed by the township in any employe capacity under this act. In order to be eligible for inclusion in the plans, supervisor-employes must meet the same requirements as other employes of the township who are eligible to participate in a pension plan. Pension plans shall not improperly discriminate in favor of a supervisor-employe.
- (2) Once given, auditor approval for inclusion of supervisor-employes shall not be rescinded in any subsequent years as long as the pension plan remains in effect and the supervisors remain employed by the township and continue to meet the same requirements as other employes of the township who are eligible to participate in a pension plan, nor shall the auditors act in any way that disqualifies the pension plan under Federal law.
- (3) No change in the nature or rate of the contributions of a defined contribution plan and no change in the benefit formula of a defined benefit plan shall be initiated by the board of supervisors with respect to a supervisor-employe without auditor approval.
- (4) A pension or annuity contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides for benefits for supervisor-employes or retired supervisor-employes at township expense is not void or unlawful solely because the inclusion of supervisor-employes or retired supervisor-employes was not previously approved by the township auditors. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of that participation by supervisor-employes,
- (5) All premium, contribution or similar payments made by a township on pension or annuity contracts on behalf of supervisor-employes between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval are hereby approved. Any benefits payable to any supervisor-employe or his beneficiaries on account of any premium, contribution or similar payments made by a township during that period shall continue. Any premium, contribution or similar payments made by a township after March 31, 1985, requires auditor approval under this subsection.
- (6) If a supervisor-employe personally contributed toward a township-sponsored pension plan or annuity that is not approved by the township auditors or not approved by this act, he shall receive a refund of his total contributions thereto plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a supervisor-employe who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. A qualified actuary, who shall report his determination under the act of December 18, 1984 (P.L. 1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," shall determine the amount the supervisor-employe shall pay to purchase the township-funded portion of the annuity or pension.
- (7) Supervisors who are not employes of the township are not eligible for participation in any pension or annuity contract paid in whole or in part by the township. No supervisor who was not an employe of the township but was included in a township-paid pension or annuity plan made by a township between January 1, 1959, and March 31, 1985, is subject to any penalty, assessment, surcharge, forfeiture or disciplinary action. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of a supervisor who was not an employe is the exclusive property of the township.
- (c) In addition to the compensation authorized under this section, supervisors while in office or while in the employ of the township may be eligible for inclusion in township-paid insurance plans, as follows:
- (1) Supervisors, whether or not they are employed by the township, and their dependents are eligible for inclusion in group life, health, hospitalization, medical service and accident insurance plans paid in whole or in part by the township. Supervisors and their dependents who are over

sixty-five years of age are eligible for inclusion in supplemental Medicare insurance coverage paid in whole or in part by the township. Their inclusion in those plans does not require auditor approval, but does require submission of a letter requesting participation at a regularly scheduled meeting of the board of supervisors before commencing participation. The insurance shall be uniformly applicable to those covered and shall not give eligibility preference to or improperly discriminate in favor of supervisors. No policy of group life insurance shall contain any provision for a cash surrender value, loan value or any other benefit beyond the face amount of insurance. The policy may contain a provision that when the insurance ceases because of termination of employment or term of office, the person is entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of insurance on any form customarily issued by the insurer at the age and for the amount applied for if the amount is not in excess of the amount of life insurance which ceases because of the termination and the application for the individual policy is made and first premium is paid to the insurer within thirty-one days after termination.

- (2) Any life, health, hospitalization, medical service or accident insurance coverage contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for supervisors not employed by the township is not void or unlawful because inclusion of those supervisors was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action may occur as a result of participation by those supervisors. Insurance benefits paid or payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before March 30, 1988, are the property of the insureds or their beneficiaries.
- (3) All payments made by a township on any group life, health, hospitalization, medical service or accident insurance coverage contracts on behalf of supervisors who were not employes between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval are hereby approved. Any benefits payable to any supervisor or his beneficiaries on account of those payments during that time shall continue.
- (4) The township may deduct from any compensation payable to a supervisor such part of any insurance premium or charge which is payable by the supervisor within the terms of the particular township's insurance plan.
- (5) The township may pay the cost, in whole or in part, of supplemental Medicare insurance coverage for supervisors and employs who are over sixty-five years of age. (606(c) Amended by Act 14 of 2012) (53 P.S. §65606)

Section 607. Duties of Supervisors. -The board of supervisors shall:

- (1) Be charged with the general governance of the township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and to secure the health, safety and welfare of the citizens of the township.
- (2) Have the responsibility for maintenance of township-owned equipment and facilities.
- (3) Employ persons as may be necessary for the general conduct of the business of the township and provide for the compensation, organization and supervision of the persons so employed. Records shall be kept and reports made and filed giving the names of all persons employed, dates on which work was done and the number of hours worked with compensation paid to each person and the capacity in which employed.
- (4) Authorize attendance at conferences, institutes, schools and conventions. Any supervisor, elected or appointed officer or township employe may if directed by the board of supervisors attend any conference, institute, school or convention dealing with the duties and functions of elected or appointed officers or employes. The expenses for attending the meetings may be paid by the township and are limited to the registration fee, mileage for the use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every attendee shall submit to the board of supervisors an itemized account of expenses incurred at the meeting. The board of supervisors may authorize employes to be compensated at their regular employe rate, and auditors to be compensated at the rate of ten dollars (\$10) for each hour up to a maximum of eight hours per day, during their attendance at the meeting.
- (5) Annually, on or before the first day of February, furnish to the board of auditors information

on the construction or maintenance of roads or other matters that may be required by any department of the Commonwealth to be included in the annual township report.

(6) Provide for the annual tax duplicate to be prepared and presented to the tax collector.(7) Perform duties and exercise powers as may be imposed or conferred by law or the rules and regulations of any agency of the Commonwealth.(607 amended by Act 101 of 2006) (53 P.S. §65607)

ARTICLE VII TOWNSHIP TREASURER

Section 701. Township Treasurer.-The board of supervisors shall appoint a township treasurer to serve at the pleasure of the board of supervisors. (53 P.S. §65701)

Section 702. Treasurer's Bond.-The township treasurer, if an individual, shall give bond with a surety company in an amount established by the board of supervisors for the faithful performance of the duties of the office. The amount of the bond shall equal the highest amount of township funds estimated by the board of supervisors to be available to the township treasurer at any time during the current year. The bond shall be filed with the board of auditors of the township. (53 P.S. §65702)

Section 703. Treasurer's Compensation.-The board of supervisors shall determine the compensation of the township treasurer. When a supervisor is appointed as township treasurer, the board of auditors shall determine the compensation. A person may not receive hourly compensation for work as a superintendent, roadmaster or laborer for time spent in the performance of the duties of township treasurer. (53 P.S. §65703)

Section 704. Treasurer's Duties.-The township treasurer shall:

- (1) Receive all moneys due the township and deposit them promptly in a designated depository in the name of the township.
- (2) Keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of the board of supervisors and any citizen of this Commonwealth.
- (3) Pay out all moneys of the township only on direction by the board of supervisors.
- (4) Annually state the accounts and make them available to the board of auditors for settlement.
- (5) Preserve the account books, papers, documents and other records of the office and turn them over to the successor in office. (53 P.S. §65704)

Section 705. Assistant Treasurer. The board of supervisors may appoint an assistant treasurer who shall assist the township treasurer or, in the absence or disability of the township treasurer, perform the duties of the township treasurer. The assistant treasurer may be appointed from the membership of the board of supervisors. The assistant treasurer shall be bonded for the same amount as the township treasurer when acting in the capacity of township treasurer. The board of supervisors shall determine the compensation of the assistant treasurer. When a supervisor is appointed assistant treasurer, the board of auditors shall determine the compensation. (53 P.S. §65705)

Section 706. Use of Special Funds; Penalty.-When any moneys are collected for any special purpose, no township treasurer or board of supervisors may apply those moneys to any purpose other than that for which they were collected. Every misapplication shall be a misdemeanor of the third degree, and, in addition to the fine or penalty which may be imposed upon conviction, the defendant shall be required to pay restitution in the amount of moneys improperly spent. (53 P.S. §65706)

Section 707. Penalty for Failure to Perform Duties.-A township treasurer or assistant treasurer who fails to perform any duties of the office other than those for which specific penalties are provided commits a summary offense and, in addition to the fine or penalty which may be imposed upon conviction, is required to pay to the township an amount equal to the amount of the financial loss that occurred, if any, for not performing the duties of the office. That person is disqualified from holding the office of township treasurer or assistant treasurer. (53 P.S. §65707)

Section 708. Depositories of Township Funds.-(a) The board of supervisors shall designate by resolution a depository or depositories for township funds. Any funds deposited with any banking institution of this Commonwealth shall be insured with the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successor agencies, to the extent that accounts are so insured. The board of supervisors shall require each banking institution to furnish additional bond, insurance or security to cover the amount of any deposits in excess of the insured limits. The designation is valid for a period of one year or until another depository or other depositories are designated by similar action of the board of supervisors.

- (b) The depository or depositories shall be banks, banking institutions or trust companies located in this Commonwealth.
- (c) The township treasurer or assistant treasurer shall, upon the designation of the depository or depositories by the board of supervisors, immediately transfer thereto the township funds and after that make deposits solely in the depository or depositories in the name of the township.
- (d) No township treasurer or assistant treasurer complying with the provisions of this section, nor his surety or sureties, shall be chargeable with losses of township funds caused solely by the failure or negligence of the depository or depositories. (53 P.S. §65708)

ARTICLE VIII TOWNSHIP SECRETARY

Section 801. Township Secretary.--The board of supervisors shall appoint a township secretary to serve at the pleasure of the board of supervisors. (53 P.S. §65801)

Section 802. Secretary's Duties.-The township secretary is a clerk to the board of supervisors. The township secretary shall:

- (1) Record the proceedings of the board of supervisors and all court orders relative to the laying out, opening and vacating of roads in a minute book.
- (2) Preserve the minute book and other records and turn them over to the successor in office.
- (3) With the consent of the board of supervisors and in conformity with other laws governing the retention and disposition of municipal records, have the authority to destroy records and papers of the township other than the minute book and account book after the lapse of six years from the date of the records.
- (4) Inform supervisors of all township meetings, including special meetings of the board of supervisors. (53 P.S. §65802)

Section 803. Secretary's Compensation.-The board of supervisors shall determine the compensation of the township secretary. When a supervisor is appointed township secretary, the board of auditors shall determine the compensation. A person may not receive hourly compensation for work as a superintendent, roadmaster or laborer for time spent in the performance of the duties of township secretary. (53 P.S. §65803)

Section 804. Assistant Secretary.-The board of supervisors may appoint an assistant secretary who shall assist the township secretary or, in the absence or disability of the township secretary, perform the duties of the township secretary. The assistant secretary may be appointed from the membership of the board of supervisors. The board of supervisors shall determine the compensation of the assistant secretary. When a supervisor is appointed assistant secretary, the board of auditors shall determine the compensation. (53 P.S. §65804)

ARTICLE IX AUDITORS; ACCOUNTANTS

Section 901. Township Auditors; Meetings; Duties; Quorum.-(a) The board of auditors shall meet annually at the place of meeting of the board of supervisors on the day following the day designated by this act for organization of the board of supervisors, and they shall organize by the election of a chairman and secretary. The board of auditors shall audit, settle and adjust the accounts of all elected or appointed officials of the township and its boards or agencies that received or disbursed funds of or owing to the township during the immediately preceding calendar year. The board of auditors shall determine the compensations for the current year authorized in section 606 for supervisors employed by the township. Two auditors shall constitute a quorum. The auditors may also make an audit of the dockets, transcripts and other official records of the district justices to determine the amount of fines and costs paid over or due the township, and the dockets and records of the district justices shall be open to inspection by the auditors for that purpose. Unless otherwise agreed to by the board of auditors and the officer being audited, the audit shall be conducted at the place the records of the officer are normally kept.

(b) Upon the death or resignation of any of the officials designated in this section to be audited, the board of auditors, upon call of the chairman, shall meet and audit the accounts of the former incumbent and determine the compensation of the successor if so authorized by this act. (53 P.S. §65901)

Section 902. Auditor's Compensation.-(a) Each auditor shall receive ten dollars (\$10) for each hour necessarily employed in the duties of the office upon presentation to the board of supervisors of an itemized listing of the dates, times, places and hours worked to perform the audit. No auditor in a township having a population of ten thousand or less is entitled to receive more than one thousand dollars (\$1,000) for completing the annual audit, settlement and adjustment. No auditor in a township having a population in excess of ten thousand is entitled to receive more than two thousand dollars (\$2,000) for completing the annual audit settlement and adjustment.

(b) In addition to the time actually used by the board of auditors to complete the audit settlement and adjustment, each auditor may be compensated at the rate of ten dollars (\$10) each hour for not more than fifty hours to audit the accounts of any public official who handles public funds when a vacancy occurs in the office of the public official.

(c) Each auditor shall be reimbursed for travel costs incurred in the performance of the auditing duties at the rate established by the board of supervisors under the act of July 20, 1979 (P.L.156, No.51), referred to as the Uniform Mileage Fee Law, and for other expenses, including postage, notary fees or publication costs, incurred during the audit. (902 amended June 22, 1999, P.L.114, No. 17) (53 P.S. §659092)

Section 903. Subpoenas; Oaths; Perjury. The board of auditors may issue subpoenas to obtain the attendance of the offices whose accounts they are required to audit or adjust, of their executors and administrators and of any person whom it may be necessary to examine as a witness and to compel their attendance, by attachment, the same as any court of common pleas may in cases pending before them and may also compel the production of all books, vouchers and papers relative to township accounts. The subpoena and attachment shall be issued by a district justice. The board of auditors may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses or otherwise. All persons swearing or affirming falsely upon examination are guilty of perjury. (53 P.S. §65903)

Section 904. Completion, Filing and Publication of Annual Township Report and Financial Statement.-(a) The board of auditors shall complete their audit, settlement and Adjustment before the first day of March of each year.

(b) The board of auditors shall make a report of the affairs of the township, executed copies of which report shall be filed not later than ninety days after the close of the fiscal year by the

secretary of the board of auditors with the township secretary, the clerk of the court of the county or the prothonotary under local rules of court, the Department of Community Affairs and the Department of Transportation. Each copy of the report shall be signed by at least a majority of the board of auditors and duly verified by the oath of the secretary of the board of auditors. Any secretary of the board of auditors who fails to file the township report or to publish the required financial statement commits a summary offense.

- (c) The township report shall be presented on a uniform form prepared and furnished under section 3203.
- (d) The township report shall contain the names and addresses of the chairman and members of the board of supervisors, the township secretary and the township treasurer, a statement of the receipts of the township from all sources and of all accounts and revenue which may be due and uncollected at the close of the fiscal year, a statement of the disbursements of the township during the fiscal year, a statement of the balance in the township treasury at the beginning of the fiscal year, a statement of the resources and liabilities of the township at the end of the fiscal year, a detailed statement of the indebtedness of the township at the close of the fiscal year and the provisions made for the payment thereof together with the purposes for which it was incurred, a statement of the cost of ownership and operation of each public service industry owned, maintained or operated by the township and other information as may be required in this act.
- (e) On or before the tenth day of March of each year, the board of auditors shall publish once in one newspaper of general circulation in the township a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year by major classifications, all expenses paid during the fiscal year by major functions and the current resources and liabilities of the township at the end of the fiscal year, the gross liability and net debt of the township, the amount of the assessed valuation of the township, the assets of the township with the character and value thereof, the date of the last maturity of the respective forms of funded debt and the assets in the sinking fund.
- (f) If any township has a population of less than two hundred, as shown by the latest official census, the board of auditors may post five copies of the financial statement in public places in the township in lieu of publication in a newspaper. (53 P.S. §65904)

Section 905. Penalty for Failure to Perform Duty.--Any auditor who fails to comply with this article commits a summary offense. (53 P.S. §65905)

Section 906. Employment and Compensation of Attorney. If a disagreement occurs with the board of auditors and any official it is required to audit the board of auditors may petition the court of common pleas to appoint an attorney to represent or advise the board of auditors on the matter. The court shall not appoint an attorney unless reasonable effort to reach an agreement has been made and only after the board of auditors has given notice to the official or the board of supervisors of its intent to petition the court for the appointment. The board of auditors, with the agreement of the board of supervisors, shall determine the compensation of the attorney. If the dispute results in litigation or if the board of auditors and the board of supervisors cannot agree upon the compensation to be paid to the attorney, the court shall establish the compensation for the attorney appointed for the board of auditors. The compensation for the attorney shall be paid out of the general township fund. (53 P.S. §65906)

Section 907. Surcharge by Auditors.--(a) The board of auditors shall surcharge any elected or appointed officer for the amount of any loss to the township caused in whole or in part by the officer's act or omission in violation of law or beyond the scope of the officer's authority. If the auditors find an absence of intent to violate the law or exceed the scope of authority and find the result of the officer's act could have been achieved by legal means and authorized procedures, the surcharge imposed shall be limited to the difference between the costs actually incurred by the township and the costs that would have been incurred had legal means and authorized procedures been employed. Provisions of this section which limit the amount of surcharge do not apply to cases involving fraud or collusion on the part of the officers or to any penalty ensuing to the benefit of or payable to the Commonwealth.

(b) Any balance in any report of the board of auditors against any officer of the township constitutes a surcharge against the officer as fully as if expressly stated in the report to be a surcharge. The board of auditors shall direct the clerk of court of common pleas to certify the amount of every balance or surcharge from which no appeal has been taken under sections 909 and 910 to the court of common pleas, and the prothonotary shall enter the balance or surcharge as a judgment against the officer in favor of the township. (53 P.S. §65907)

Section 908. Collection of Surcharge; Bond.-Any auditor, elector or taxpayer of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the township, by any appropriate action or execution, upon filing in the court of common pleas a bond (in the case of an elector or taxpayer), with one or more sureties, conditioned to indemnify the township for all costs which may accrue in the proceedings undertaken, subject, however, to all rights of appeal from the report of the board of auditors. (53 P.S. §65908)

Section 909. Appeals from Report.- The board of supervisors or any elector or taxpayer of the township or any officer whose account is settled or audited by the board of auditors may appeal from any settlement or audit of the board of auditors to the court of common pleas within forty-five days after the settlement has been filed in the court of common pleas. (53 P.S. §65909)

Section 910. Taxpayer's Appeal; Bond.- No appeal by any elector, taxpayer of officer shall be allowed unless the appellant enters into recognizance to prosecute the appeal with effect, and to pay all costs accuring thereon, in case, if the appellant is an elector or taxpayer, he fails to obtain a final decision more favorable to the township than that awarded by the board of auditors or, if the appellant is an officer, he fails to obtain a final decision more favorable to the officer than that awarded by the board of auditors. (53 P.S. §65910)

Section 911. Consolidation of Appeals.-When more than one appeal from the report of the board of auditors is taken, whether by the board of supervisors, by an officer thereof or by an elector or taxpayer, the court may direct that the several appeals be consolidated. (53 P.S. §65911)

Section 912. Report; Prima Facie Evidence; Burden of Proof.-The accounts of the officer in question may be investigated de novo. The figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct as against any officer and the burden shall be upon each officer whose accounts are in question to establish the validity of the credits which he claims. (53 P.S. §65912)

Section 913. Findings; Judgment.-After hearing, the court shall file findings of fact and law and enter judgment, and the judgment so entered may be enforced by appropriate proceedings by any auditor, officer, elector or taxpayer of the township. (53 P.S. §65913)

Section 914. Costs.-In all cases of appeal from the report or audit of the board of auditors to the court of common pleas, the costs shall be determined by the court. (53 P.S. §65914)

Section 915. Attorney Fees.-Upon final determination of an appeal taken under section 909 from any report, audit or settlement of the account of any township officer, attorney fees shall be awarded as follows:

(1) If in the opinion of the court the final determination is more favorable to the township officer involved than that awarded by the board of auditors, the township shall pay reasonable attorney fees, or under paragraph (3) a portion of reasonable attorney fees, incurred by the officer in connection with the surcharge proceeding.

(2) In the case of an appeal taken by the township, an elector or a taxpayer, if in the opinion of the court the final determination is more favorable to the township than that awarded by the board of auditors, the township officer who is the subject of the surcharge proceeding shall pay

reasonable attorney fees, or under paragraph (3) a portion of reasonable attorney fees, incurred by the township, elector or taxpayer in connection with the surcharge proceeding.

(3) If in the opinion of the court the final determination is in part more favorable to the township and in part more favorable to the township officer involved in the surcharge proceeding than that awarded by the board of auditors, the court may order the township to pay a portion of reasonable attorney fees incurred by the officer in connection with the surcharge proceeding, or it may order the township officer who is the subject of the surcharge proceeding to pay a portion of reasonable attorney fees incurred by the township, elector or taxpayer in connection with the surcharge proceeding. (53 P.S. §65915)

Section 916. Interest in Township Transactions.-Any auditor who is financially interested, directly or indirectly, in any township transaction commits a summary offense. The auditor shall forfeit the office and forfeit to the township any financial benefit derived from the transaction. (53 P.S. §65916)

Section 917. Appointment of Accountant-(a) The board of supervisors may contract with a certified or competent public accountant or a firm of certified or competent public accountants, either of which shall be registered in this Commonwealth, to be appointed by the court of common pleas at least thirty days before the close of the fiscal year to audit the accounts of the township and the township officers if a petition has been presented to the supervisors by at least twenty-five taxpayers of the township asking for the appointment. The amount paid to the accountant or firm in any year shall not exceed the maximum allowed by law to be paid to the board of auditors in any year unless the payment of an additional amount is approved by the court.

- (b) (1) Subject to the provisions of paragraph (2), at its annual organization meeting, or any time thereafter, the board of supervisors may by resolution appoint a certified or competent public accountant or a firm of certified or competent public accountants, either of which shall be registered in this Commonwealth, to make an examination of all the accounts of the township for the fiscal year stated in the resolution. The board of supervisors shall determine the compensation of the appointed accountant.
- (2) At least thirty days prior to the organizational meeting or thirty days prior to any vote to appoint a certified or competent public accountant or a firm of certified or competent public accountants to replace the elected auditors, the board of supervisors shall advertise in a newspaper of general circulation the intent to appoint a certified or competent public accountant or a firm of certified or competent public accountants to replace the elected auditors.
- ((b) amended Dec. 18, 1996, P.L.1142, No. 172)
- (c) When an accountant or firm is appointed under subsection (a) or (b), the board of auditors shall not audit, settle or adjust the accounts audited by the appointee but shall perform the other duties of the office. The accountant or firm has the powers given to the board of auditors under this act except the audit shall be made in accordance with generally accepted auditing standards, and further provide that the accountant or firm appointed under subsection (a) or (b) shall not have the power to determine compensations, and they are subject to the same penalties as the elected auditors under this act. The report of the accountant or firm is subject to appeals the same as reports of the board of auditors under this act.
- (d) For the purposes of meeting Federal or State requirements, the board of supervisors may contract with an independent certified or competent public accountant to audit the fiscal affairs of the township, independent of that conducted by the elected or appointed auditors. (53 P.S. §65917)

ARTICLE X TAX COLLECTOR

Section 1001. Tax Collector; Powers, Duties and Liabilities.-The tax collector shall collect all county, township, school, institution district and other taxes levied within townships by authorities authorized to levy taxes. The tax collector may also be designated in the tax-levying ordinance or resolution or be employed by the tax-levying authority to collect taxes levied under the act of December 31, 1965 (P.L. 1257, No. 511), known as "The Local Tax Enabling Act." In addition to the powers, duties and responsibilities under this act, the tax collector shall exercise all the powers and perform all the duties and be subject to all the obligations and responsibilities for the collection of taxes as are conferred upon tax collectors by law. (53 P.S. §66001)

Section 1002. Repealed by Act 166 of 2006. (53 P.S. §66002)

ARTICLE XI TOWNSHIP SOLICITOR

Section 1101. Township Solicitor.--The board of supervisors may appoint and determine the compensation of a township solicitor. The township solicitor shall be licensed to practice law in this Commonwealth and may be one person or a law firm, partnership, association or professional corporation. The township solicitor serves at the pleasure of the board of supervisors. (53 P.S. §66101)

Section 1102. Solicitor to Have Control of Legal Matters-The township solicitor shall direct and control the legal matters of the township, and no official or official body of the township, except as otherwise provided under law, shall employ an additional attorney without the assent or ratification of the board of supervisors. (53 P.S. §66102)

Section 1103. Duties of Solicitor.--The township solicitor, when directed or requested so to do, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party. The township solicitor shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend the township or any township officer against all actions or suits brought against the township or township officer in which any of the estates, rights, privileges, trusts, ordinances or accounts of the township may be brought in question before any court in this Commonwealth and do every professional act incident to the office which the township solicitor may be authorized or required to do by the board of supervisors or by any resolution. The township solicitor shall furnish the board of supervisors, upon request, with an opinion in writing upon any question of law. (53 P.S. §66103)

ARTICLE XII TOWNSHIP ENGINEER

Section 1201. Township Engineer.-The board of supervisors may appoint and determine the compensation of a township engineer who shall be a registered professional engineer. The township engineer serves at the pleasure of the board of supervisors. (53 P.S. 66201)

Section 1202. Engineer's Duties; Preparation of Plans.-The township engineer shall perform duties as the board of supervisors may direct for the construction, reconstruction, maintenance and repair of streets, roads, pavements, sanitary sewers, bridges, culverts and other engineering work. The township engineer shall prepare plans, specifications and estimates of the work undertaken by the township and furnish the board of supervisors with reports, information or estimates on any township engineering work or on questions submitted by the board of supervisors. (53 P.S. §66202)

Section 1203. Certificate of Commencement and of Completion of Municipal Improvements-The township engineer shall certify to the township secretary the date of commencement and of completion of all municipal improvements, the cost of which, in whole or in part, is to be paid by the owners of the abutting property. The certification shall be made a part of the permanent records of the township. The certified tune of commencement and completion is collusive on all parties. The term "certified time of completion" means the time of the completion of the whole contract for the improvement. (53 P.S. §66203)

ARTICLE XIII TOWNSHIP MANAGER

Section 1301. Township Manager; Appointment, Removal, Powers and Duties; Compensation; Bond.--(a) The board of supervisors may by ordinance at any time create the office of township manager and may in like manner abolish the office. While the office exists, the board of supervisors shall appoint one person to fill the office. The township manager shall serve at the pleasure of the board of supervisors, subject to contractual rights that may arise under and employment agreement that may be entered in accordance with subsection (a1).

(a1) The board of supervisors may enter into an employment agreement with the township manager. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the board of supervisors' organizational meeting following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this subsection may specify conditions under which a township manager would be entitled to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or confer upon the township manager any legal remedy based on specific performance.

- (b) The powers and duties of the township manager shall be established by ordinance. The compensation shall be set by resolution and paid out of the general fund of the township. The board of supervisors may delegate, subject to recall, any of their nonlegislative powers and duties to the township manager. The township manager shall give bond to the township, with sufficient surety, in the amount directed by the board of supervisors, conditioned for the faithful performance of the duties of the office.
- (c) The office of township manager is not incompatible with the office of township secretary, township treasurer or any other township office or employment, except that of supervisor, auditor or township police officer. (1301 Amended by Act 74 of 2011) (53 P.S. §66301)

ARTICLE XIV COUNTY AND STATE ASSOCIATIONS OF TOWNSHIPS

Section 1401. County Associations. -(a) County associations of township officials may be formed. County associations shall hold annual or semi-annual conventions at places determined by the association to consider and discuss questions and subjects pertaining to improvement of township government, assessment of property, collection of taxes and construction, improvement and maintenance of roads. Associations of two or more adjacent counties may arrange to meet in joint sessions.

- (b) The supervisors, auditors, tax collectors, managers, solicitors, engineers, treasurer and secretary of the board of supervisors shall attend the conventions when possible.
- (c) (1) Each supervisor, auditor, tax collector, manager, solicitor, engineer, treasurer and secretary attending the convention shall receive a certificate, signed by the secretary of the county association, attesting their presence at the convention. The certificate entitles the official to collect from the township treasurer the sum of fifty dollars (\$50) for each day's attendance, expenses which are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the meeting shall submit to the board of supervisors an itemized account of expenses incurred at the meeting.
- (2) If the meeting is held during township employes' normal work schedule, the board of supervisors may authorize township employes, including supervisors employed by the township, to be compensated at their regular employe rate during their attendance at the meeting, in which case the employe is not entitled to the fifty dollars (\$50) mentioned in this section.
- (3) The board of supervisors may authorize a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting, in which case the supervisor is not entitled to the fifty dollars (\$50) mentioned in this section, provided that sufficient documentation of such wages or salary is presented to the board of supervisors to justify the reimbursement.
- (4) No supervisor, auditor, tax collector, manager, solicitor, engineer, treasurer or secretary shall be paid for more than two days' attendance in any one year.
- (d) The officers of the association shall consist of a president, one or two vice-presidents, a secretary and a treasurer, all of whom, except the secretary, shall be members of the association and shall hold office for one year or until their successors are chosen. The secretary of the association may be compensated for services an amount determined by the members of the association. Every supervisor, tax collector, manager, secretary, treasurer and auditor attending the convention may vote on policy matters and in the election of officers of the association.
- (d.1) If a meeting of the officers and members of the executive board of the county association is held during the township employes' normal work schedule, the board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary during the supervisor's attendance at the meeting, for up to six days total in a year. A supervisor may not be compensated by the township under this subsection if the supervisor receives any other compensation from the county association for attending the meeting.
- (e) Expenses of each county association convention shall be paid from dues assessed by the association on each member township or from other funds as the members of the county association determine.
- (f) Each county association of township officials may elect one township supervisor, township manager, township treasurer or township secretary for each ten townships, or fraction thereof, within the county, as a voting delegate to each annual meeting of the State association, but each county association is entitled to a minimum of two delegates at each meeting. These delegates' expenses may be paid by the respective county association. (1401 amended by Act 101 and 166 of 2006) (53 P.S. §66401)

Section 1402. State Association of Township Supervisors Authorized. --(a) The formation of a State Association of Township Supervisors is authorized.

- (b) The State association shall hold annual meetings, at a time and place within this Commonwealth as it may designate, to discuss questions and subjects pertaining to the duties of elected and appointed township officials and the improvement of township government.
- (c) The State association, at its annual meeting, by majority vote of all qualified voting delegates present, may adopt and amend bylaws to govern the State association. The bylaws shall govern the qualification of delegates, election of officers, their designation, qualifications and duties, payment of dues and other organizational matters. The State association shall function under the bylaws to advance the interest of township government.
- (d) The board of supervisors may designate one or more of the following elected or appointed officials of the township to attend the annual meeting of the State association: supervisors, secretary, treasurer and manager. The convention shall be held in this Commonwealth under the procedures adopted by the State association.
- (e) Each township with dues paid in the State association shall elect one of those delegates designated in subsection (d) to be the voting delegate at the convention.
- (f) Each township shall certify the name and address of its delegate or delegates and the designated voting delegate to the State association at least thirty days before the opening of the State convention.
- (g) (1) The expenses allowed to the delegates attending the annual meeting are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the annual meeting shall submit to the board of supervisors an itemized account of expenses incurred at the meeting.
- (2) The board of supervisors may authorize township employes, including supervisors employed by the township, to be compensated at their regular employe rate during their attendance at the annual meeting.
- (3) The board of supervisors may authorize a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting, provided that sufficient documentation is presented to the board of supervisors to justify the reimbursement.
- (4) No delegate shall receive expenses for attending more than four days each year.
- (h) Membership dues of the State association are legal expenses of the townships and shall be used for the payment of expenses incurred, including, but not limited to, the rental or acquisition of real estate to be used for State association purposes and activities, cost of publications, salaries, cost of services provided to or for townships and other expenses incurred on behalf of the State association.
- (i) The State association may purchase, receive, lease as lessee, accept by gift or devise or otherwise acquire and own, use and otherwise deal with any real estate in its own name for association purposes and mortgage, sell and convey, lease as lessor and otherwise dispose of all or part of the real estate. (1402 amended Feb. 21, 2002, P.L. 100, No. 9)
- (j) The board of supervisors may authorize a supervisor who is employed by the township to be compensated at the supervisor's regular employe rate and a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary if the supervisor attends a meeting for which the supervisor is a member of the executive committee, a standing committee or a trustee of the state association of township supervisors subject to the following limitations:
- (1) A supervisor on a standing committee of the state association of township supervisors shall be limited to two days per year of regular employe rate compensation or lost wages or salary, as applicable.
- (2) A supervisor on the board of trustees insurance fund of the state association of township supervisors shall be limited to four days per year of regular employe rate compensation or lost wages or salary, as applicable.
- (3) Any supervisor on the executive board or committee of the state association of township supervisors shall be limited to fifteen days per year of regular employe rate compensation or lost wages or salary, as applicable.

(4) A supervisor on any of the committees, funds or boards identified under paragraph (1), (2) or (3) may not be compensated by the township under this section if the supervisor receives any compensation from the committee, fund or board for attending that meeting. (1402 amended by Act 101 of 2006) (53 P.S. §66402)

ARTICLE XV CORPORATE POWERS

Section 1501. Suits.-Any township may sue and be sued. (53 P.S. §66501)

Section 1502. Property; Penalty for Violation.—(a) The board of supervisors may purchase, acquire by gift or otherwise, hold, lease, let and convey, by sale or lease, any real and personal property it judges to be to the best interest of the township.

(b) Any supervisor who votes in favor of or knowingly participates in the sale or lease of township real or personal property in violation of this article is subject to surcharge to the extent of any loss or injury to the township as a result of the sale or lease. (53 P.S. §66502)

Section 1503. Real Property. – (a) No real estate owned by the township having a value in excess of fifteen hundred dollars (\$1,500) may be sold except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. The award of contracts shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. All bids shall be accepted on the condition that the payment of the purchase price in full shall be made within sixty days of the acceptance of bids.

- (b) The board of supervisors may reject all bids if the bids are deemed to be less than the fair market value of the property. In the case of a public auction, the board of supervisors may establish a minimum bid based on the fair market value of the real property.
- (b.1) The board of supervisors may sell real property under the act of October 27, 1979 (P.L.241, No.78), as amended, "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," if no bids are received on real property after proper notices.
- (c) The requirements of this section do not apply to conveyances or leases of real property by a township to any of the following:
- (1) A municipal corporation.
- (2) The Federal Government.
- (3) The Commonwealth.
- (4) An institution district.
- (5) A school district.
- (6) A municipal authority.
- (7) A county.
- (8) A public utility.
- (9) A volunteer fire company.
- (10) A nonprofit corporation engaged in community industrial, commercial or affordable housing development.
- (11) A volunteer ambulance service or volunteer rescue squad located within the township.
- (12) A nonprofit corporation organized as a public library.
- (13) A nonprofit medical service corporation.
- (14) A nonprofit housing corporation.
- (15) A nonprofit organization providing community service or development activities.
- (16) A nonprofit corporation established for the preservation of historical, architectural or aesthetic sites or artifacts.
- (17) A nonprofit association or nonprofit corporation organized to acquire and maintain real property for the preservation, conservation and stewardship of open space.
- (18) A council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).
- Such conveyances or leases shall be at the sole discretion of the township.
- ((c) amended May 18, 2004, P.L.219, No.29 and May 18, 2004, P.L.226, No.33)

- (d) When real property is sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation, nonprofit housing corporation, volunteer fire company, volunteer ambulance service, volunteer rescue squad, or a council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A involving one or more of the entities listed in this subsection, the board of supervisors may elect to accept any nominal consideration for the property as it believes appropriate. Real property sold under this subsection is subject to the condition that when the property is not used for the purposes of the corporation or volunteer fire company, the property reverts to the township.
- (e) No real estate may be purchased by a township unless the board of supervisors obtains at least one appraisal on the real property in question by a person authorized to perform an appraisal on the subject property under the act of July 10, 1990 (P.L.404, No.98), known as the "Real Estate Appraisers Certification Act," and the township supervisors may require that an environmental impact statement be prepared, indicating the potential liability of the township for any environmental problems associated with the real estate to be purchased. The person making the appraisal shall not be interested directly or indirectly in any aspect of the sale of the real estate. The price paid by the board of supervisors for the purchase of the real estate shall not exceed the price established by the appraisal: Provided, however, That if more than one appraisal is obtained, the price paid by the board of supervisors shall not exceed the average of the appraisals.
- (f) When real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, or the real property is not used for the purpose designated for a period of ten years or more, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of common pleas, may by ordinance reconvey to the original owners or their successors, heirs or assigns, or otherwise dispose of, the real property free and clear of any public right.

(1503 amended by Act 30 of 2012 and May 18, 2004, P.L. 226, no. 33) (53 P.S. §66503)

Section 1504. Personal Property. -(a) No personal property of the township shall be sold or disposed of without the approval of the board of supervisors. No personal property owned by the township, the estimated fair market value of which is one thousand dollars (\$1,000) or more, shall be sold except to the highest bidder after due notice by advertisement for bids or for public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. The advertisement for electronic auction sales authorized in subsection (d) shall include the Internet address or means of accessing the electronic auction and the date, time and duration of the electronic auction. If after attempting twice to receive bids or if at a public auction no bid was received, the board of supervisors may by resolution adopt a procedure by which the personal property may be sold without further action of the board of supervisors. A procedure adopted pursuant to this authorization shall be subject to and shall conform with the requirements of any law governing the sale of property by municipal corporations generally when no bids have been received. The awarded of contracts shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. Except as provided in subsection (d), all bids shall be accepted on the condition that payment of the purchase price in full is made immediately upon acceptance of the successful bid. The board of supervisors may reject any bids received if the bids are believed to be less than the fair market value of the property.

(b) With respect to personal property, either individual items or lots of items, the fair market value of which is estimated to be less than one thousand dollars (\$1,000), the board of supervisors shall by resolution adopt a procedure by which the property may be sold without further action by the board of supervisors. The board of supervisors may arrange for the sale of the item or items at public auction.

(b.1) The board of supervisors may sell personal property under the Act of October 1979 (P.L.241), entitled, as amended, "an act authorizing political subdivisions, municipality authorities

and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," if no bids are received on personal property after proper notices.

(c) The bidding and advertising requirements of this section do not apply to the following

transactions:

(1) If personal property of the township is being traded in or exchanged for other personal

property.

- (2) The sale or lease of personal property to any municipal corporation, the Federal Government, the Commonwealth or any institution district, school district, municipality authority, county, public utility, volunteer fire company, nonprofit corporation engaged in community industrial development, volunteer ambulance service or volunteer rescue squad located within the township, nonprofit corporation organized as a public library, nonprofit medical service corporation, nonprofit housing corporation, nonprofit organizations providing community service or development activities or nonprofit corporation established for the preservation of historical, architectural or aesthetical sites or artifacts.
- (2) The sale or lease of personal property by the township to any of the following:
- (i) A municipal corporation.
- (ii) The federal government.
- (iii) The Commonwealth
- (iv) An institution district.
- (v) A school district.
- (vi) A municipality authority.
- (vii) A county.
- (viii) A public utility.
- (ix) A volunteer fire company.
- (x) A nonprofit corporation engaged in community industrial, commercial or affordable housing development.
- (xi) A volunteer ambulance service or volunteer rescue squad located within the township.
- (xii) A nonprofit corporation organized as a public library.
- (xiii) A nonprofit medical service corporation.
- (xiv) A nonprofit housing corporation.
- (xv) A nonprofit organization providing community service or development activities.
- (xvi) A nonprofit corporation established for the preservation of historical architectural or aesthetical sites or artifacts.
- (xvii) A council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).
- (d) A "public auction" shall include an online or electronic auction sale. During an electronic auction sale, bids shall be accepted electronically at the time and in the manner designated in the advertisement. During the electronic auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price. Bidders may increase their bid prices during the electronic auction. The record of the electronic auction shall be accessible for public inspection. The purchase price shall be paid by the high bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by the township. In the event that shipping costs are incurred, they shall be paid by the high bidder.
- (e) A township that has complied with the advertising requirements of subsection (a) may provide additional public notice of the sale by bids or public auction in any manner deemed appropriate by the township.(1504 amended by Act 49 of 2006 and Act 30 of 2012) (53 P.S. §66504)

Section 1505. Boards of Supervisors to Exercise Powers.-The corporate powers of townships shall be exercised by the board of supervisors. If no specific authority is given for the payment of costs incurred in the exercise of any power contained in this act, the expenses may be paid from the general township fund. (53 P.S. §66505)

Section 1506. General Powers.-The board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers. (53 P.S. §66506)

Section 1507. Intergovernmental Cooperation.—The board of supervisors may by ordinance make agreements with other municipal corporations in performing governmental powers, duties and functions and in carrying into effect provisions of the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law. (53 P.S. §66507)

Section 1508. Capital Reserve Fund.-(a) The board of supervisors may create and maintain a separate capital reserve fund for any anticipated capital expenses, which fund shall be designated for a specific purpose or purposes when created. The moneys in the fund shall be used for no other purpose unless the board of supervisors declares that conditions in the township make other expenses more urgent than those for which the fund was created.

(b) The board of supervisors may appropriate moneys from the general township funds to be paid into the capital reserve fund or place in the fund any moneys received from the sale, lease or other disposition of any township property or from any other source. (53 P.S. §66508)

Section 1508.1. Operating Reserve Fund.-(a) The board of supervisors shall have the power to create and maintain a separate operating reserve fund in order to minimize future revenue shortfalls and deficits, provide greater continuity and predictability in the funding of vital government services, minimize the need to increase taxes to balance the budget in times of fiscal distress, provide the capacity to undertake long-range financial planning and develop fiscal resources to meet long-term needs.

- (b) The board of supervisors may annually make appropriations from the general township fund to the operating reserve fund, but no appropriation shall be made to the operating reserve fund if the effect of the appropriation would cause the fund to exceed five per centum of the estimated revenues of the township's general fund in the current fiscal year.
- (c) The board of supervisors may at any time by resolution make appropriations from the operating reserve fund for the following purposes only:
- (1) to meet emergencies involving the health, safety or welfare of the residents of the township;
- (2) to counterbalance potential budget deficits resulting from shortfalls in anticipated revenues or program receipts from whatever source; or
- (3) to provide for anticipated operating expenditures related either to the planned growth of existing projects or programs or to the establishment of new projects or programs if for each such project or program appropriations have been made and allocated to a separate restricted account established within the operating reserve fund.
- (d) The operating reserve fund shall be invested, reinvested and administered in a manner consistent with the provisions of section 3204 relating to the investment of township funds generally. (53 P.S. §66508.1)

Section 1509. Indebtedness.-The board of supervisors may incur indebtedness and issues notes, bonds or other evidence of indebtedness under the act of July 12, 1972 (P.L. 78 1, No. 185), known as the "Local Government Unit Debt Act," to provide sufficient moneys for any expense of the township. (53 P.S. §66509)

Section 1510. Display of Flags.—The board of supervisors may display the flag of the United States or the Commonwealth, the official POW/MIA flag or the flag of any county or municipal corporation on any public building or grounds of the township. (53 P.S. §66510)

Section 1511. Township Seal.—The board of supervisors may adopt a seal which contains the name of the township and the word "seal" and which shall be in the custody of the township

secretary or manager. The official acts of the board of supervisors may be authenticated by use of the seal. The seal has the same effect as the seal of a notary public. (53 P.S. §66511)

Section 1512. Insurance.—(a) The board of supervisors shall secure workers' compensation insurance for its employes, including volunteer firemen and volunteer ambulance and rescue personnel of companies duly recognized by the township by resolution, killed or injured in the course of their appointed functions or while performing any other duties expressly authorized by the board of supervisors.

- (b) The board of supervisors may contract with any insurance company to insure property owned by the township.
- (c) The board of supervisors may contract with any insurance company to insure any public liability of the township, including insurance on every township officer, official and employe for liability arising from errors and emissions in the performance of their duties in the course of their employment, except that liability of elected or appointed officials or officers for surcharge under law shall not be affected hereby.
- (d) The board of supervisors may contract with any insurance company, nonprofit hospitalization corporation or nonprofit medical service corporation to insure its supervisors under section 606, employes and their dependents under a policy or policies of group insurance covering life, health, hospitalization, medical service or accident insurance. This provision is subject to the following qualifications:
- (1) Elected officials, except supervisors under section 606, and appointed officials who are not employes of the township are not eligible for participation in any life, health, hospitalization, medical service or accident insurance coverage contract paid in whole or in part by the township.
- (2) Any insurance coverage contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for elected officials, except under section 606, or appointed township officials who are not employes of the township are not void or unlawful solely because the inclusion of those officials was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by those officials. Insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before March 30, 1988, remain the property of the insureds or their beneficiaries.
- (e) The board of supervisors may contract with any insurance company for the pensioning of employes and may pay part or all of the premiums or charges for group pension or annuity plans. This provision is subject to the following qualifications:
- (1) The benefit coverage may be provided to supervisor-employes under section 606.
- (2) The board of supervisors may deduct from the employe's pay, salary or compensation the part of the premium or charge that is payable by the employe.
- (3) Elected officials, except township supervisors under section 606, and appointed township officials who are not employes of the township are not eligible for participation in any pension or annuity contract paid in whole or in part by the township. No elected official, except under section 606, or appointed township official who is not an employe of the township included in a township-paid pension or annuity plan made by a township between January 1, 1959, and March 31, 1985, is subject to any penalty, assessment, surcharge, forfeiture or disciplinary action of any kind as a result of that participation. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of the elected or appointed township officials is the exclusive property of the township.
- (4) If an elected official, except supervisors under section 606, or an appointed official who is not an employe of the township personally contributed toward a township-sponsored pension plan or annuity, he shall receive a refund of his total contributions thereto plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a township official who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. A qualified actuary, who shall report his determination under the act of December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," shall determine the amount the official shall pay to the township to purchase the township-funded portion of the annuity or pension. (53 P.S. §66512)

Section 1513. Widening and Deepening Watercourses.-After permits have been secured from the Department of Environmental Protection and the Pennsylvania Fish and Boat Commission, the board of supervisors or its agents or employes may widen and deepen watercourses running through the township and erect dikes, retaining walls and embankments along the watercourses as are necessary to prevent water from overflowing the banks. For these purposes, townships may enter and condemn property as may be necessary. Townships may enter land lying near the watercourses and secure materials as may be necessary in connection with the work. Damages for property taken, injured or destroyed as the result of the work shall be determined under this act. (53 P.S. §66513)

Section 1514. Airports.-(a) The board of supervisors may acquire by grant, lease, purchase or, where appropriate, eminent domain any property located inside or outside the boundaries of the township which in the judgment of the board of supervisors may be necessary to establish and maintain municipal airport facilities. Any township having acquired land for those purposes may establish, equip, condition, operate and maintain the property as a municipal airport, may lease all or part of the property to any individual or corporation desiring to use the property for aviation purposes and may contract in the form of a lease of all or part of the property by the Federal Government for aviation purposes upon nominal rental or without consideration.

(b) The board of supervisors may acquire by lease or purchase land for aviation purposes jointly with any county or municipal corporation of this Commonwealth and operate and maintain the municipal airport jointly with any county or municipal corporation of this Commonwealth upon terms and conditions as may be agreed upon between the proper authorities of the county or municipal corporation. (53 P.S. §66514)

Section 1515. Urban Common Carrier Mass Transportation.-The board of supervisors may appropriate funds for urban common carrier mass transportation purposes, make contributions to county departments of transportation or urban common carrier mass transportation authorities to assist the departments or the authorities to meet costs of planning, operation, maintenance, capital improvements and debt service and make long-term agreements providing for the payment of contributions. (53 P.S. §66515)

Section 1516. Land Use Regulations.-The board of supervisors may plan for the development of the township through zoning, subdivision and land development regulations under the act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code." (53 P.S. §66516)

Section 1517. Building and Housing Regulations.-The board of supervisors may enact and enforce ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land. If any building and housing or structure is constructed, reconstructed, altered, repaired, converted or maintained or any building, housing or land is used in violation of any ordinance enacted under this section, the board of supervisors, in addition to penalties provided by the ordinances, may institute appropriate actions or proceedings at law or in equity to prevent and restrain the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation and to prevent the use or occupancy of the building, housing or structure.

(53 P.S. §66517)

Section 1518. Building and Housing Inspectors.-The board of supervisors may appoint one or more building and housing inspectors to enforce the building and housing regulations of the township and for the inspection of the construction, alteration, repair and sanitation facilities of buildings and housing in the township. (53 P.S. §66518)

Section 1519. Building Lines.-The board of supervisors may by ordinance establish and maintain uniform building lines upon any or all public streets or highways of the township. (53 P.S. §66519)

Section 1520. Numbering of Buildings.-The board of supervisors may by ordinance require and regulate the numbering of buildings. (53 P.S. §66520)

Section 1521. Insect, Pest and Vector Programs.-The board of supervisors may appropriate moneys toward insect, pest and vector programs. (53 P.S. §66521)

Section 1522. Sewage Treatment Facilities Regulations.-The board of supervisors may by ordinance make regulations respecting the installation of individual or community sewage treatment facilities under the act of January 24, 1966 (1965 P.L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act." (53 P.S. §66522)

Section 1523. Surplus Foods.-The board of supervisors may appropriate moneys for the handling, storage and distribution of surplus foods obtained through a Federal, State or local agency. (53 P.S. §66523)

Section 1524. Community Nursing Services.-The board of supervisors may appropriate moneys to nonprofit associations or corporations which provide community nursing services. (53 P.S. §66524)

Section 1525. Mental Health Centers.-The board of supervisors may appropriate moneys toward any nonprofit association or corporation which operates or conducts a mental health center.

(53 P.S. §66525)

Section 1526. Hospitals.-The board of supervisors may appropriate not exceeding one dollar (\$1) for each township resident each year toward the erection, maintenance or support of any medical center or hospital building facilities. If the total cost of the purchase or erection exceeds one hundred thousand dollars (\$100,000), approval by the appropriate health planning agency is required. The number of residents is determined from the latest official census. (53 P.S. §66526)

Section 1527. Public Safety.-The board of supervisors may adopt ordinances to secure the safety of persons or property within the township and to define disturbing the peace within the limits of the township. (53 P.S. §66527)

Section 1528. Ambulances and Rescue and Life Saving Services.-The board of supervisors may acquire, operate and maintain motor vehicles for the purposes of conveying persons to and from hospitals, and it may appropriate moneys toward ambulance and rescue and life saving services and make contracts relating thereto. (53 P.S. §66528)

Section 1529. Nuisances.-The board of supervisors may by ordinance prohibit nuisances, including, but not limited to, the storage of abandoned or junked automobiles, on private and public property and the carrying on of any offensive manufacture or business. (53 P.S. §66529)

Section 1530. Regulation of Dogs,-The board of supervisors may by ordinance prohibit and regulate the running at large of dogs. (53 P.S. §66530)

Section 1531. Animal Shelters.-The board of supervisors may appropriate moneys to foster, encourage or assist the operation of humane societies, animal shelters or animal control centers or programs. (53 P.S. §66531)

Section 1532. Regulation of Business.-(a) The board of supervisors may license and regulate by ordinance the following business activities within the township:

- (1) Transient merchants conducting business within the township, except farmers selling their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose or the imposition or collection of any license fee upon insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of this Commonwealth.
- (2) Cable television companies operating within the township to the extent allowed by Federal and State law and regulation.
- (3) Restaurants operating within the township. This power includes the power to inspect these establishments.
- (4) Junk dealers and the establishment and maintenance of junk yards and scrap yards, including, but not limited to, automobile junk yards or automobile grave yards.
- (b) The board of supervisors may establish license fees for regulated businesses enumerated in subsection (a). These fees shall bear a reasonable relationship to the cost of administering the ordinance and regulating, inspecting and supervising each business. Licenses may be issued on an annual or monthly basis and any fee charged to transient merchants shall not exceed three hundred dollars (\$300) per year or twenty-five dollars (\$25) each month or part of a month. ((b) amended Dec. 18, 1996, P.L.1142, No. 172) (53 P.S. §66532)

Section 1533. Dangerous Structures.-The board of supervisors may by ordinance require the owner to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so. In the owner's default, the board of supervisors may remove the nuisance or structure and collect the cost of the removal, together with the penalty imposed by the ordinance, from the owner by summary proceedings or under law for the collection of municipal liens. (53 P.S. §66533)

Section 1534. Fireworks and Inflammable Articles.-The board of supervisors may:

- (1) By ordinance regulate and prohibit the manufacture of fireworks or inflammable or dangerous articles.
- (2) Grant permits for supervised public displays of fireworks and adopt rules and regulations governing the displays.
- (3) By ordinance adopt rules and regulations not inconsistent with State regulations relating to the storage of inflammable articles.
- (4) By ordinance impose other safeguards concerning inflammable articles as may be necessary. (53 P.S. §66534)

Section 1535. Human Services.-The board of supervisors may, under the provisions of the act of December 10, 1974 (P.L. 865, No. 292), entitled "An act authorizing municipalities to expend Federal general revenue sharing or general funds for social service programs for the poor, the disabled and the aging, and to jointly cooperate in the sponsorship, establishment, administration, maintenance and operation of such programs," by ordinance or resolution appropriate moneys for social service programs for the poor, the disabled and the aging. (53 P.S. §66535)

Section 1536. Cemeteries.-(a) The board of supervisors may by ordinance make rules and regulations regarding the location, operation and maintenance of cemeteries in the township. (b) When any cemetery or burial ground is abandoned or is being neglected, the board of supervisors may give notice to the owner directing the removal of weeds, refuse and debris from the cemetery within thirty days. If the removal is not completed within thirty days after the notice, the board of supervisors shall provide for the removal to be done by employes of the township or persons hired for that purpose at the expense of the township. All costs of removal shall be assessed against the owner of the cemetery, if known, and collected under section 3302(b). (c) The cemetery shall remain open to the public under the regulation and control of the board of supervisors. (53 P.S. §66536)

Section 1537. Burial Plots of Service Persons.-The board of supervisors may purchase plots of ground in any cemetery or burial ground for the interment of deceased or former service men and women who at the time of their death maintained legal residence within the township. (53 P.S. §66537)

Section 1538. Care of Memorials.-The board of supervisors may maintain and repair any soldiers' monument or memorial existing or erected within the township and may receive funds from persons or organizations for those purposes. (53 P.S. §66538)

Section 1539. Libraries.-The board of supervisors may, in accordance with the act of June 14, 1961 (P.L. 324, No. 188), known as "The Library Code," appropriate moneys toward any nonprofit association or corporation which operates or conducts a library or contract with or make grants to counties or municipal corporations for the furnishing of library service to the township. (53 P.S. §66539)

Section 1540. Observances and Celebrations.-The board of supervisors may appropriate moneys for the observance of holidays, centennials or other anniversaries or for township celebrations or civic projects or programs. (53 P.S. §66540)

Section 1541. Historical Property.-The board of supervisors may acquire by purchase or by gift, repair, supervise, operate and maintain ancient landmarks and other property of historical or antiquarian interest and make appropriations to nonprofit associations or corporations organized to acquire and maintain historical properties. (53 P.S. §66541)

Section 1542. Community Development.-The board of supervisors may undertake community development programs, including, but not limited to, urban renewal, public housing, model cities programs and neighborhood development projects. (53 P.S. §66542)

Section 1543. Industrial Promotion.-The board of supervisors may make appropriations to an industrial development agency. (53 P.S. §66543)

Section 1544. Tourist Promotion Agencies.-The board of supervisors may appropriate moneys not in excess of ten cents (10¢) for each resident of the township, as determined by the latest official census, to any tourist promotion agency, as defined in the act of April 28, 1961 (P.L. I11, No. 50), known as the "Tourist Promotion Law," to assist the agencies in carrying out tourist promotional activities. (53 P.S. §66544)

Section 1545. Nonprofit Art Corporations.-The board of supervisors may appropriate moneys, not exceeding an amount equal to one mill of the real estate tax, to any nonprofit art corporation for the conduct of its artistic and cultural activities. For the purposes of this section, the term "nonprofit art corporation" means a local arts council, commission or coordinating agency or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts and the term "artistic and cultural activities" includes the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing. (53 P.S. §66545)

Section 1546. Neighborhood Crime Watch Programs.-The board of supervisors may appropriate moneys toward a neighborhood crime watch program. No township or township official is subject to contractual, tort or other liability as a result of making an appropriation under this section.

(53 P.S. §66546)

Section 1547. Public Rewards.-The board of supervisors may offer rewards for information leading to the arrest and conviction of persons who commit capital or other crimes within the township or for the violation of any township ordinance. (53 P.S. §66547)

Section 1548. Municipality Authorities.-The board of supervisors may by ordinance or resolution individually or in cooperation with other municipal corporations form municipality authorities as authorized by the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," specify the project or projects to be undertaken by the authorities, appoint members and establish their compensation. (53 P.S. §66548)

Section 1549. Racetracks.-(a) In addition to the powers and duties imposed upon the township supervisors by this act or any other provision of law, the township supervisors shall have the power and duty to secure the health, safety and welfare of persons and property by adopting an ordinance prohibiting the conducting of live horse race meets by a licensed corporation at a racetrack located within the area of fifty air miles from the center of an existing, currently licensed racetrack, notwithstanding the provisions of the act of December 17, 1981 (P.L. 435, No. 135), known as the "Race Horse Industry Reform Act," provided that a majority of electors of the township approve a referendum pursuant to subsection (b) prohibiting the conducting of such horse race meets within the township.

(b) The township supervisors may, or upon the petition of a number of electors of the township equal to at least twenty-five percent of the highest number of votes for a public office of the township at the last preceding municipal election shall, adopt a resolution directing the county board of elections to place a referendum question on the ballot for the primary or general election, with respect to the conducting of live horse race meets by licensed corporations within the township. The question shall be in the following form:

Shall live horse race meets conducted by licensed corporations be prohibited within the area of fifty air miles from the center of an existing, currently licensed racetrack?

(c) The definitions provided for in the "Race Horse Industry Reform Act" shall apply to this section. (53 P.S. §66549)

Section 1550. Conservation District.-The board of supervisors may make appropriations to a conservation district as defined in the act of May 15, 1945 (P.L.547, No.217), known as the "Conservation District Law." (1550 added June 22, 2000, P.L.400, No.55) (53 P.S. §66550)

Section 1551. Watershed Associations. –The board of supervisors may make appropriations to nonprofit watershed associations for watersheds serving the township. Such appropriations may not be used to undertake litigation against any municipal corporation or to seek redress against any individual landowner.(1551 added by Act 11 of 2005) (53 P.S. §66551)

Section 1552. Counties. –The board of supervisors may make appropriations to the county in which the township is situated for land acquisition related to community and economic development projects located within the township.(1552 added by Act 106 of 2006) (53 P.S. §66552)

Section 1553. Emergency Services- (a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.

- (b) The township shall consult with fire and emergency medical service providers to discuss the emergency services needs of the township.
- (c) The township shall require any emergency services organizations receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization. (1553 added by Act 7 of 2008) (53 P.S. §66553)

ARTICLE XVI ORDINANCES

Section 1601. Ordinances.-(a) The board of supervisors may adopt ordinances in which general or specific powers of the township may be exercised, and, by the enactment of subsequent ordinances, the board of supervisors may amend, repeal or revise existing ordinances. All proposed ordinances, whether original, amended, repealed, revised, consolidated or codified. shall be published not more than sixty days nor less than seven days before passage at least once in one newspaper circulating generally in the township. Public notices shall include either the full text or a brief summary of the proposed ordinance which lists the provisions in reasonable detail and a reference to a place within the township where copies of the proposed ordinance may be examined. If the full text is not included, a copy shall be supplied to the publishing newspaper when the notice is published, and an attested copy shall be filed within thirty days after enactment in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the ordinances. The date of such filing shall not affect the effective date of the ordinance, the validity of the process of the enactment or adoption of the ordinance; nor shall a failure to record within the time provided be deemed a defect in the process of the enactment or adoption of such ordinance. If substantial amendments are made in the proposed ordinance, before voting upon enactment, the board of supervisors shall at least ten days before enactment readvertise in one newspaper of general circulation in the township a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments. Ordinances shall be recorded in the ordinance book of the township and are effective five days after adoption unless a date later than five days after adoption is stated in the ordinance.

- (b) When maps, plans or drawings of any kind are adopted as part of an ordinance, instead of publishing them as part of the ordinance, the board of supervisors may refer in publishing the ordinance to the place where the maps, plans or drawings are on file and may be examined. (c.1) An ordinance enacted by the board of supervisors pursuant to this act shall prescribe the fines and penalties which may be imposed for its violation and shall, unless otherwise specified in another statute, designate the method of its enforcement in accordance with the following: (1) Civil enforcement.-Except as provided in paragraph (2), when the penalty imposed for the violation of an ordinance enacted pursuant to the provisions of this act is not voluntarily paid to the township, the township shall initiate a civil enforcement proceeding before a district justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. An ordinance which is to be enforced through a civil enforcement proceeding may prescribe civil penalties not to exceed six hundred dollars (\$600) per violation. In addition to or in lieu of civil actions before a district justice. townships may enforce ordinances in equity. In any case where a penalty for a violation of a township ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the township in the enforcement proceedings. A township shall be exempt from the payment of costs in any civil case brought to enforce an ordinance in accordance with this paragraph.
- (2) Enforcement as summary offenses.-For an ordinance regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution, the board of supervisors shall provide that its enforcement shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c) (relating to trial in summary cases). The board of supervisors may prescribe criminal fines not to exceed one thousand dollars (\$1,000) per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.
- (3) Existing ordinances.-With regard to ordinances enacted prior to May 7, 1996, those regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution shall be deemed automatically amended so that they shall be

enforced by an action brought before a district justice in the same manner provided for the enforcement of summary offenses in accordance with paragraph (2). All other ordinances enacted prior to May 7, 1996, shall be deemed automatically amended so that they shall be enforced through a civil enforcement proceeding in accordance with paragraph (1).

(4) Enforcement in equity.--Ordinances may be enforced by a township through an action in equity brought in the court of common pleas of the county where the township is situated.

- (5) Separate offenses.-Ordinances may provide that a separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the ordinance which is found to have been violated.
- (6) Payment to treasurer.-All fines and penalties collected for the violation of any township ordinance shall be paid to the township treasurer.
- (7) Enforcement officers or agents.—The board of supervisors may delegate the initial determination of ordinance violation and the service of notice of violation to such officers or agents as the township shall deem qualified for that purpose.
- (d) The board of supervisors may prepare or have prepared a consolidation or codification of the general body of township ordinances or the ordinances on a particular subject. The board of supervisors may adopt the consolidation or codification as an ordinance of the township, except the required advertised notice of the proposed adoption of the consolidation or codification shall include a listing of its table of contents. The procedure for the consolidation or codification of township ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances repealing or amending existing ordinances as may be necessary in the course of preparing a consolidation or codification of the township ordinances, except that the advertisement giving notice of the proposed adoption shall list, in lieu of a table of contents, the titles only of each of the ordinances in the complete group or body of ordinances.
- (e) In the same manner as other ordinances, the board of supervisors may adopt, by reference to a standard or nationally recognized code in a township ordinance, all or any portion of the code as an ordinance of the township. No portion of any code which limits the work to be performed to any type of construction contractor or labor or mechanic classification shall be adopted. Copies of the proposed code or portion or amendment shall be filed with the township secretary at least ten days before the board of supervisors considers the proposed ordinance and upon enactment kept with the ordinance book and available for public use, inspection and examination.
- (f) Any person aggrieved by the adoption of any ordinance may make complaint as to the legality of the ordinance to the court of common pleas.(1601 amended Dec. 18, 1996, P.L.1142, No. 172) (53 P.S. §66601)

ARTICLE XVII PUBLIC BUILDINGS

Section 1701. Township Buildings.-(a) The board of supervisors may procure by purchase, gift, devise or the exercise of eminent domain a lot or lots of ground located within the township and erect or use buildings thereon for township purposes. No land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary or place of public worship shall be taken or appropriated under this section.

(b) Subject to the restrictions contained in section 3402, townships in counties of the second class A may enter upon and appropriate historic land and structures which are privately owned, provided the sole purpose of the taking is the preservation and maintenance of the property for its historic value and the Pennsylvania Historical and Museum Commission or the county historical society has certified both the historic value of the property and that it is not being maintained in an appropriate manner. (53 P.S. §66701)

Section 1702. Use of Public Land Acquired for Other Purposes.-When the board of supervisors desires to take any public lands previously granted or dedicated to a use or purpose for which they are no longer used, it shall pass an ordinance declaring its intention and shall petition the court of common pleas for leave to file the bond of the township to secure any person or persons who may be entitled to compensation for the taking. The court shall direct notice to be given by publication in at least one newspaper circulating generally in the township. The court may increase the amount of the bond, shall hear all exceptions that are filed against the petition and the sufficiency of the bond and may grant or deny the request of the petition. Upon the granting of the petition and the approval of the bond, the board of supervisors may enter lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth for the use of any person or persons who are entitled to damages by reason of the taking of the lands, shall remain on file for their use and benefit. (53 P.S. §66702)

Section 1703. How Damages Are Assessed.-The compensation and damages arising from taking, using and appropriating private or public property for township purposes shall be ascertained, determined, awarded and paid under this act for eminent domain proceedings. (53 P.S. §66703)

Section 1704. Garages and Warehouses.-The board of supervisors may purchase or lease land inside or outside the limits of the township and erect garages, warehouses or other buildings as may be necessary for handling and storing equipment, materials and supplies. (53 P.S. §66704)

ARTICLE XVIII FIRE PREVENTION AND PROTECTION

Section 1801. Authority of Board of Supervisors.-The board of supervisors may provide for fire protection within the township. (53 P.S. §66801)

Section 1802. Fire Hydrants and Water Supply.-(a) The board of supervisors may place, replace, operate, maintain and repair or contract with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys within the township or provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire. The moneys necessary for providing or acquiring these fire protection services may be obtained by one of the following methods:

(1) The board of supervisors may annually assess the cost of fire protection by an equal assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred and eighty feet of any fire hydrant based upon the assessment of property for county tax purposes.

- (2) The board of supervisors may annually assess the cost of fire protection by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon highways, streets, roads and alleys within seven hundred and eighty feet of any fire hydrant in proportion to the number of feet the property abuts any water main or within seven hundred and eighty feet of any fire hydrant on the water main. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable.
- (3) The board of supervisors may pay the cost for fire protection out of the general township fund. If the board of supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.
- (b) When assessments are made under this section, no assessment shall be made against any farmland or an airport which is privately owned and which is not open nor intended to be open to the public; but vacant lots between built-up sections, either tilled or not tilled, are not farmland.
- (c) All assessments for fire protection shall be collected by the tax collector under section 3301(a).
- (d) The assessment may be billed on the annual real estate tax bill for township purposes if authorized by the board of supervisors. (53 P.S. §66802)

Section 1803. Fire Companies, Facilities and Training .- (a) The board of supervisors may appropriate moneys for the use of the township or to fire companies located in the township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus, for the construction, repair and maintenance of fire company houses, for training of fire company personnel and, as set forth in this section, for fire training schools or centers in order to secure fire protection for the inhabitants of the township. The fire companies shall submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to the fire companies for the current year.

- (b) The board of supervisors may by ordinance make rules and regulations for the government of fire companies which are located within the township and their officers.
- (c) The board of supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township.
- (d) No volunteer fire company not in existence in the township before the effective date of this act may organize or operate unless the establishment or organization is approved by resolution of the board of supervisors.
- (e) The board of supervisors may annually appropriate funds to fire companies located within the township for the training of its personnel and to lawfully organized or incorporated county or regional firemen's associations or an entity created pursuant to the act of July 12, 1972 (P.L.762,

No. 180), referred to as the Intergovernmental Cooperation Law, to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any city, borough, town or township within this Commonwealth. (1803) amended Dec. 18, 1996, P.L.1154, No. 175) Compiler's Note: The act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law, referred to in subsection (e), was repealed by the act of December 19, 1996, P.L.1158, No. 177. The subject matter is now contained in 53 Pa.C.S. Ch. 23 Subchapter A (relating to intergovernmental cooperation). (53 P.S. §66803)

Section 1804. Ponds, Dams or Impoundments for Fire Protection.-The board of supervisors may construct or contribute moneys for or participate in the construction of ponds, dams or other impoundments to provide water for fire protection for the township. (53 P.S. §66804)

Section 1805. Fire Prevention Code.-The board of supervisors may adopt any standard fire prevention code published and printed in book form as provided under this act for adopting standard codes. (53 P.S. §66805)

Section 1806. Prohibition of Fire-Producing Devices in Certain Retail Stores.-The board of supervisors may by ordinance prohibit the smoking or carrying of lighted cigarettes, cigars, pipes or matches and the use of matches or fire-producing devices in retail stores arranged to accommodate one hundred persons or more or which employ ten or more employes. Any ordinance passed under this section may not prohibit smoking in any restaurant room, rest room, beauty parlor, executive office or any shopping center area designated for smoking. (53 P.S. §66807)

ARTICLE XIX TOWNSHIP POLICE

Section 1901. Creating or Disbanding Police Force.-The board of supervisors may by resolution create or disband a police force within the township or, upon the petition of not less than twenty-five registered electors or taxpayers of the township, appoint police officers. (53 P.S. §66901)

Section 1902. Appointment of Police.-The board of supervisors shall provide for the organization and supervision and determine the number and the compensation of the police officers. The position of police officer is incompatible with the office of supervisor, auditor, tax collector and manager. The chairman of the board of supervisors may swear in police officers. The board of supervisors may assign any police officer to undergo a course of training at any training school for police officers established or made available by the Federal or State Government and provide for payment of the officer's expenses while in attendance at the training school. (1902 amended Dec. 18, 1996, P.L.1142, No. 172)(1902 Amended by Act 166 of 2006) (53 P.S. §66902)

Section 1903. Contracts to Secure Police Service.-Any township may contract with any municipal corporation to secure the services within the township of the police of the municipal corporation. When any contract is made, the police officers of the employing municipal corporation have all the powers and authority conferred by law on police officers in the township which has contracted to secure police service. (53 P.S. §66903)

Section 1904. Contract to Provide Police Service.-Any township may contract with any municipal corporation to provide police services within the other municipal corporation. When a contract is made, the township police have all the powers and authority conferred by law on police in the municipal corporation which has contracted to secure police service. (53 P.S. §66904)

Section 1905. Powers.-Each township police officer has those powers and abilities as are granted to police officers under the laws of this Commonwealth or the rules of the Supreme Court or the ordinances of the township for which a fine or penalty is imposed unless otherwise excepted in this act. (53 P.S. §66905)

Section 1906. Shield.-Each police officer when on duty shall wear a shield or badge with the words "township police" and the name of the township inscribed thereon. (53 P.S. §66906)

Section 1907. Equipment.-The board of supervisors may provide each police officer with a uniform, equipment and means of transportation and the maintenance thereof. (53 P.S. §66907)

Section 1908. Lockups.-The board of supervisors may provide lockup facilities. (53 P.S. §66908)

Section 1909. Certain Compensation Prohibited.-No police officer may charge or accept any fee or other compensation in addition to the salary paid by the township for any service rendered or performed by the police officer, except public rewards. (53 P.S. §66909)

Section 1910. Police Pension Fund.-(a) In those townships maintaining police forces of less than three full-time police officers, the board of supervisors may by ordinance or resolution establish a police pension fund or pension annuity into which each member of the police force may be required to pay a member contribution of an equal and proportionate charge which, except to the extent that section 607(c) of the act of December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," applies, shall not

exceed annually three percent of the pay of the member.

- (b) The fund shall be under the direction of the board of supervisors for the benefit of members of the police force who receive honorable discharge therefrom by reason of age or disability and the families of members who may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.
- (c) The ordinance or resolution establishing the police pension fund shall prescribe a minimum period of continuous service of not less than twenty years, after which the members of the force may be retired from active duty. Township police officers so retired may be subject to service as police reserves until unfit for service by reason of age or disability, when they may be finally discharged.
- (d) The basis of the apportionment of the pension is determined by the rate of monthly pay of the member at the date of death, honorable discharge or retirement.
- (e) Payments made on account of police pensions are a charge on no fund of the township other than the police pension fund.
- (f) Townships shall make contributions to the police pension fund in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan pursuant to the "Municipal Pension Plan Funding Standard and Recovery Act," and may take by gift, grant, devise or bequest any money or property in trust for the benefit of the police pension fund. The care, management, investment and disposal of trust funds or property is vested in the board of supervisors subject, whenever possible or practical, to any directions for administration which the donors of the funds and property may prescribe.
- (g) A person participating in the police pension fund and entitled to receive a benefit therefrom may not be deprived of his right to an equal and proportionate share therein except for the following causes: conviction of a crime or misdemeanor or failing to comply with some general regulation relating to the management of the fund, which may be made by ordinance or resolution and which provides that a failure to comply therewith terminates the right to participate in the pension fund after notice and hearing as it prescribes.
- (h) Police pension funds of townships with a police force of three or more full-time officers are governed by the act of May 29, 1956 (1955 P.L. 1804, No. 600), referred to as the Municipal Police Pension Law. (53 P.S. §66910)

Section 1911. Police Protection Districts.-On petition of a majority of the property owners of any territory within the township, the board of supervisors may designate the territory as a district for the purpose of providing police protection. The board of supervisors may annually assess the cost of the maintenance of the police protection by an equal assessment on all property benefited by the protection in proportion to the number of feet the property fronts on the street or highway or portion thereof to be protected. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable. No assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or not tilled, are not farmland. The assessment for each foot front against vacant lots shall be only twenty-five percent of the assessment for each foot front against property with improvements. All assessments for police protection shall be filed with the township tax collector under section 3301(a). (53 P.S. §66911)

Section 1912. Removal of Police Officers.-No person employed as a regular full-time police officer in any police department, except officers appointed for a probationary period of one year or less, shall be suspended, removed or reduced in rank except under the act of June 15, 1951 (P.L. 586, No. 144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class." (53 P.S. §66912)

Section 1913. Auxiliary Police.-The board of supervisors may confirm persons to serve as auxiliary police officers under the act of January 14, 1952 (1951 P.L. 2016, No. 561), entitled "An act providing for supplementing the police forces of cities, boroughs, towns and townships, for the appointment, powers and control of auxiliary police therein, and for the transfer during disasters

and emergencies of such auxiliary police, members of the regular police forces, and police equipment thereof". (53 P.S. §66913)

Section 1914. Special Fire Police.-The board of supervisors may confirm any members of a volunteer fire company to serve as special fire police under the act of June 18, 1941 (P.L. 137, No. 74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rule municipality." The chairman of the board of supervisors may swear in special fire police officers.(1914 amended Dec. 18, 1996, P.L. 1142, No. 172) (53 P.S. §66914)

Section 1915. School Crossing Guards.-(a) Upon request of the board of school directors of a school district located wholly or partially within the township, the board of supervisors by resolution may appoint school crossing guards to control and direct traffic at or near schools. The school crossing guards shall be in uniform and shall be authorized only in the management of traffic and pedestrians. School crossing guards serve at the pleasure of the board of supervisors, except as provided in subsection (c) and are not eligible to join any township pension fund. The board of supervisors shall determine the compensation of school crossing guards, to be paid by the township or jointly by the township and the school district in a ratio to be determined by the two boards. If the township and school district cannot determine the ratio of compensation to be paid by each board, each board shall pay one-half of the compensation of the school crossing guards.

(b) The board of supervisors may create an educational service agency under section 402.1 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No. 1), known as the "Unemployment Compensation Law," to provide school crossing guards to one or more educational institutions in conjunction with the school district. The educational service agency shall serve as the agency for management and control of the school crossing guards. (c) The board of supervisors may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the board of supervisors may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act. nor shall they fall under the bargaining unit of the school district nor be considered an employe as defined under section 1101-A of the act of March 10, 1949 (P.L. 30. No.14), known as the "Public School Code of 1949" or a "school employee" as defined under 24 PA.C.S. § 8102 (relating to definitions) or under any plans hereafter effective. Once the ordinance receives approval by the board of supervisors, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the board of supervisors of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the ordinance. (1915 amended June 22, 2000, P.L.329, No. 35) (53 P.S. §66915)

ARTICLE XX STREET LIGHTS

Section 2001. Lighting.-The board of supervisors may light and illuminate the highways, roads and other public places of the township and remove, alter or improve lighting as may be appropriate and in the best interests of the township and make contracts for securing and maintaining a supply of light. (53 P.S. §67001)

Section 2002. Street Light Districts.-(a) The board of supervisors may provide streetlights and make regulations therefor within the township or within any district of the township established by the board of supervisors for that purpose.

- (b) Upon receipt of a petition signed by seventy percent of the property owners within any defined area of the township, the board of supervisors shall establish the defined area as a lighting district or include the defined area within an existing lighting district and shall provide public lighting within the area.
- (c) The board of supervisors may contract with electric, gas or other lighting companies to light and illuminate roads and highways and other public places with electric light, gas light or other illuminating substances. (53 P.S. §76002)

Section 2003. Costs.-(a) The board of supervisors may pay for the cost of public lighting by any one or a combination of the following means, whether the installation of the lighting was initiated by action of the board of supervisors or by petition:

- (1) From the general fund.
- (2) Through uniform annual assessments made upon benefited properties on the foot-front basis.
- (3) By uniform annual assessment upon each property benefited.
- (4) By an equal assessment upon each property benefited, based upon the assessment for county tax purposes.
- (5) By any combination of the above methods or other equitable means of assessment as the board of supervisors may determine.
- (b) If public street lighting is currently in existence and is being paid for by a certain means or method, the board of supervisors may alter or amend the means of assessing the cost of the lighting.
- (c) Properties are subject to assessment for this purpose, whether or not the property is exempt from taxation by existing law.
- (d) If the foot-front method of assessment is used, the assessment shall be by equal assessment on all property in proportion to the number of feet the property fronts on the street or highway or portion thereof to be lighted. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable. No assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or not tilled, are not farmland. The assessment for each foot front against vacant lots shall be only twenty-five percent of the assessment for each foot front against property with improvements.
- (e) All annual assessments for streetlights shall be filed with the township tax collector under section 3301(a). The assessment may be billed on the annual real estate tax bill for general township purposes if authorized by the board of supervisors. (53 P.S. §67003)

ARTICLE XXI SOLID WASTE COLLECTION AND DISPOSITION

Section 2101. Accumulation of Ashes, Garbage, Solid Waste and Refuse Materials.-The board of supervisors in the manner authorized by the act of July 7, 1980 (P.L. 380, No. 97), known as the "Solid Waste Management Act," and the act of July 28, 1988 (P.L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," may prohibit accumulations of ashes, garbage, solid waste and other refuse materials upon private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof. (53 P.S. §67101)

Section 2102. Collection.-The board of supervisors may collect and remove, by contract or otherwise, ashes, garbage, solid waste and other refuse materials and recyclables and prescribe penalties for the enforcement thereof. Any contract with refuse haulers may be made for a period not exceeding five years. This limitation does not apply to contracts with any other county or municipal corporation. (53 P.S. §67102)

Section 2103. Disposal.-The board of supervisors may dispose of, by contract or otherwise, ashes, garbage, solid waste and other refuse materials. Any contract with the owner of a private facility for the disposal or incineration of ashes, garbage, solid waste and other refuse materials may be made for a period not exceeding twenty years. This limitation does not apply to contracts with any county or municipal corporation. (53 P.S. §67103)

Section 2104. Acquisition of Land.-The board of supervisors may acquire any real property and erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, landfill or other methods of disposal, either inside or outside the limits of the township, including equipment, either separately or jointly, with any county or municipal corporation in order to provide for the destruction, collection, removal and disposal of ashes, garbage, solid waste or other refuse materials, for the collection and storage of recyclable materials or for the composting of leaf and yard waste. The board of supervisors may provide for the payment of the cost thereof out of the funds of the township. The board of supervisors may acquire land for landfill purposes, either amicably or by exercising the power of eminent domain, and maintain lands and places for the dumping of ashes, garbage, solid waste and other refuse materials. (53 P.S. §67104)

Section 2105. Charge for Services.-The board of supervisors may establish, alter, charge and collect rates and other charges for the collection, removal and disposal of ashes, garbage, solid waste, other refuse materials and recyclable materials, and the costs of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefor, and the amount due under any contract with any county or municipal corporation furnishing the services or facilities. Section 2106. Appropriations.-The board of supervisors may make appropriations to any county or municipal corporation for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal, disposal or marketing of ashes, garbage, solid waste, other refuse materials, recyclable materials or composted leaf and yard waste. (53 P.S. §67105)

Section 2106. Appropriations.- The board of supervisors may make appropriations to any county or municipal corporation for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal, disposal or marketing of ashes, garbage, solid waste, other refuse materials, recyclable materials or composted leaf and yard waste. (53 P.S. §67106)

Section 2107. Refuse Collection District.-On petition of a majority of the owners, occupants or tenants of any territory inside the township which is definitely defined, set apart and limited by the board of supervisors as a refuse collection district, either with township employes and facilities or

with independent contractors, the board of supervisors may provide for the removal from the refuse collection district of ashes, garbage, solid waste or other refuse materials and for the disposal thereof, including the collection and marketing of recyclable materials. The board of supervisors may levy an assessment upon all owners, occupants or tenants of the district sufficient to defray the cost of the removal, disposal or marketing under section 3301(b). (53 P.S. §67107)

Section 2108. Exclusion from Bidding Requirements.-A township shall not be subject to requirements otherwise imposed by law for the sale of personal property owned by the township when selling recyclable materials or materials separated, collected, recovered or created by recycling, as provided in the act of April 9, 1992 (P.L. 70, No. 21), entitled "An act excluding the sale of recyclable material from political subdivision personal property sale restrictions relating to advertising and bidding." (53 P.S. §67108)

ARTICLE XXII PARKS, RECREATION CENTERS AND FORESTS

Section 2201. Acquisition of Lands and Buildings.-The board of supervisors may designate lands or buildings owned, leased or controlled by the township for use as parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, public parks and other recreation areas and facilities and acquire lands or buildings by lease, gift, devise, purchase or by the exercise of the right of eminent domain for recreational purposes and construct and equip facilities for recreational purposes. (53 P.S. §67201)

Section 2202. Recreation Facilities Employes.-The board of supervisors may employ persons to maintain the recreation facilities or supervise the use of the recreation facilities. (53 P.S. §67202)

Section 2203. Regulation of Parks and Public Amusements.-(a) The board of supervisors may by ordinance regulate the use and enjoyment by the public of any park or recreation grounds owned and operated by the township or charitable organizations for the use of the public.

(b) The board of supervisors may prescribe rules for the use by the public of parks.

- (b) The board of supervisors may prescribe rules for the use by the public of parks and recreation grounds and the facilities and amusements connected therewith and post the rules at conspicuous places in the parks or recreation grounds. Any person who violates the rules commits a summary offense.
- (c) The board of supervisors may by ordinance not inconsistent with State law and regulations regulate the time of opening and closing and the conduct of places of public entertainment, amusement and recreation.
- (d) The board of supervisors may by ordinance or resolution appropriate funds for recreation programs not directly sponsored by the township. (53 P.S. §67203)

Section 2204. Creation of Recreation Boards. –(a) The board of supervisors may by ordinance create a recreation board to supervise, regulate, equip and maintain township-funded recreation programs and facilities. The recreation board has only those powers specifically delegated to it by the board of supervisors.

- (b) Recreation boards, when established, shall consist of five, seven or nine persons. The members shall be appointed by the board of supervisors and shall serve for terms of five years or until their successors are appointed, except that the members first appointment shall be appointed so that the terms of not more than two members expire annually. Members shall serve without pay but may be reimbursed by the township for all expenses incurred in performing their duties. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the board of supervisors for dereliction or neglect of duty. Vacancies occurring other than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.
- (c) The members of a recreation board shall elect a chairman and secretary and select all other necessary officers to serve for a period of one year. The recreation board may adopt rules and regulations for the conduct of all business within its jurisdiction and exercise powers and functions concerning parks and recreation facilities as may be delegated to it by the board of supervisors. The recreation board shall submit an annual report to the board of supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.(2204 amended Nov. 19, 2004, P.L.843, No.106) (53 P.S. §67204)

Section 2205. Joint Ownership and Maintenance.-The board of supervisors may join with any one or more municipal corporations, counties or school districts to acquire, create, equip, maintain and operate any park or recreation area to serve residents of the township under the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law. (53 P.S. §67205)

Section 2206. Expenses for Maintenance.-All expenses incurred in the operation of parks, recreation areas and facilities are payable from the general township fund or from the treasury of the municipal corporations, counties or school districts under the agreement of the corporate authorities. (53 P.S. §67206)

Section 2207. Forest Lands.-(a) Townships may acquire, by purchase, gift or lease, and hold tracts of land covered with forest or tree growth, or suitable for the growth of trees, and administer the tracts under the direction of the Department of Conservation and Natural Resources. The tracts may be of any size suitable for the purpose and may be located inside or outside the township limits.

- (b) When the board of supervisors intends to acquire any lands for forests, it shall so declare by an ordinance, setting forth all facts and conditions relating to the proposed action.
- (c) Upon the acquisition of any forests or lands suitable for forests, the board of supervisors shall notify the Department of Conservation and Natural Resources which may make rules for the government and proper administration of the lands as may be necessary. The Department of Conservation and Natural Resources shall publish the rules, declare the uses of the forest under the intent of this article and make provision for its administration, maintenance, protection and development as necessary. The rules governing the administration of the forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products. (d) All revenue and emoluments arising from the forests shall be paid into the general township fund.
- (e) Township forests may be used by the public as general outing or recreation grounds, subject to the rules of the Department of Conservation and Natural Resources governing their administration and rules adopted by the board of supervisors not inconsistent with law and the rules of the Department of Conservation and Natural Resources.
- (f) When the board of supervisors decides to sell or lease any township forest, or part thereof, it shall so declare by an ordinance, setting forth all the facts and conditions relating to the proposed action. No ordinance shall be effective until it has been approved by a majority vote of the electorate at the next ensuing municipal or general election. Nothing in this subsection shall prohibit the board of supervisors, at its discretion, by resolution, from allowing the selective harvesting of forest products for the purpose of properly caring for and maintaining a township forest.
- (g) The board of supervisors may, on behalf of the township, accept the title to lands which may be donated to the township for any of the purposes mentioned in this article. (53 P.S. §67207)

ARTICLE XXIII ROADS, STREETS, BRIDGES AND HIGHWAYS

Section 2301. Road and Bridge Maintenance, Repair and Construction.-(a) The board of supervisors may purchase or hire materials, equipment, machinery and implements necessary for the construction, repair and maintenance of roads and bridges and make and maintain bridges over streams, gullies, canals and railroads where bridges are necessary for the ease and safety of travelers. The bridges shall be deemed to be a part of the road.

(b) The board of supervisors may for adequate consideration construct, reconstruct, improve or maintain driveways on lands owned or occupied by school districts in the township.

(c) The board of supervisors may construct, reconstruct and improve and contract for the construction, reconstruction and improvement of roads in the township.

(d) The board of supervisors may for adequate consideration contract with the Commonwealth, a county or a municipal corporation to construct, reconstruct, improve or maintain public roads or highways under the jurisdiction of the Commonwealth, a county or a municipal corporation. Contracts executed under this subsection need not be submitted to the Local Government Commission for review under the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law.

(e) The board of supervisors may employ one or more roadmasters. The roadmasters are subject to removal by the board of supervisors. (53 P.S. §67301)

Section 2302. Duties of Roadmasters.-The roadmasters shall:

(1) Report to the board of supervisors any information that may be required by the board of supervisors and by the Department of Transportation.

(2) Inspect all roads and bridges as directed by the board of supervisors.

(3) Do or direct to be done all work necessary to carry out the responsibilities imposed by the board of supervisors with respect to the maintenance, repair and construction of township roads. (53 P.S. §67302)

Section 2303. Road Complaints.-If any complaint alleges that the public roads and highways of any township are not maintained in accordance with law, the court may appoint three persons who shall examine the highways and report the findings to the court. In these cases, the complainants shall first enter security, in a sum as the court may fix, to pay all costs. (53 P.S. §67303)

Section 2304. Power to Lay Out, Open, Widen, Vacate, Et Cetera.-(a) The board of supervisors may by ordinance enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all roads and bridges and parts thereof which are located wholly or partially within the township.

(b) The board of supervisors may by ordinance provide for the widening, straightening or improvement of a State highway, with the consent of the Department of Transportation, and may spend township funds in connection therewith.

(c) When any petition is presented to the board of supervisors requesting the board of supervisors to open or vacate a specific road in the township and the board of supervisors fails to act on the petition within sixty days, the petitioners may present their petition to the court of common pleas which shall proceed thereon under the act of June 13, 1836 (P.L. 551, No. 169), referred to as the General Road Law. If the board of supervisors acts on the petition but denies the request of the petition, the board of supervisors shall notify the person designated in the petition of its denial. If the request of the petition is denied, the petitioners, or a majority of them, may within thirty days after receipt of the notice petition the court of common pleas for the appointment of viewers and proceedings shall be taken thereon under the General Road Law.

(d) No road shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship or as a public or parochial school, educational or charitable institution or seminary, unless the consent of the owner of the

premises is first secured. If the owner is unknown, this prohibition does not apply. (53 P.S. §67304)

Section 2305. Hearing; Report; Exceptions Thereto; View and Notice.-(a) Before the passage of any ordinance for the laying out, opening, changing or vacating of any road or highway or section thereof, the board of supervisors shall give ten days' written notice to the owners of property adjacent to the road or portions thereof involved of the time and place set for a hearing on the proposed ordinance.

- (b) If the board of supervisors votes in favor of exercising the power, it shall enact the necessary ordinance and file a copy of the ordinance, together with a draft or survey of the road showing the location and width thereof, in the office of the clerk of the court of common pleas.
- (c) Any resident or property owner affected by the ordinance may within thirty days after the enactment of the ordinance of the board of supervisors, upon entering in the court sufficient surety to indemnify the board of supervisors for all costs incurred in the proceedings, file exceptions to the ordinance together with a petition for a review. Upon receipt of the exception and surety, the court of common pleas shall appoint viewers from the county board of viewers for the purpose of reviewing the ordinance and exceptions thereto.
- (d) After the expiration of the term allowed for filing exceptions or upon the order of the court upon disposition of any exceptions, the court of common pleas, on application by petition by the board of supervisors or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon. (53 P.S. §67305)

Section 2306. Width of Public Roads.-The width of the right-of-way of a public road in townships shall not be less than thirty-three feet or more than one hundred and twenty feet, and the width of the right-of-way of alleys opened by the township as public roads shall not be less than fifteen feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills. (53 P.S. §67306)

Section 2307. Certain Roads Declared Public Roads- (a) Every road which has been used for public travel and maintained and kept in repair by the township for a period of at least twenty-one years is a public road having a right-of-way of thirty-three feet even there is no public record of the laying out or dedication for public use of the road.

- (b) In any proceeding pursuant to this section, any relevant oral or documentary evidence of public travel or maintenance and repairs by the township shall, if presented, be considered, including, but not limited to:
- (i) Maps or surveys which are either generated by any governmental unit or are created pursuant to any judicial proceeding of the courts of this commonwealth.
- (ii) Evidence concerning the distribution of government funds to the township pursuant to the act of June 1, 1956 (1955 P.L. 1944, No. 655), referred to as the "Liquid Fuels Tax Municipal Allocation Law."
- (iii) Approved subdivision plans, deeds or other documents containing a designation of the road as either a township road or otherwise.
- (iv) Evidence that the road is an extension from a public road or public cul de sac, a throughway between other municipal or state roads or provides the only access to a municipal boundary line.
- (v) Court orders, decisions, findings of fact or other matters of judicial record relating to public or private rights in the road.
- (c) For purposes of this section:
- (i) The frequency of use of a road may be considered relevant in any proceeding pursuant to this section, but, in the absence of additional findings on the purpose of such use, shall not alone be sufficient to establish that the road has been used for public travel.
- (ii) The condition or sufficiency of the road surface for public travel may be considered relevant in any proceeding pursuant to this section, but, absent additional findings of actual public maintenance and repair, shall not alone be sufficient to establish maintenance and repair by the township.

(d) Nothing in this section shall be construed as affecting the weight or persuasiveness of any evidence presented in accordance with subsection (b) or the relevance of any evidence presented except as otherwise provided in this section.

(e) In any proceeding in which this section is relied upon to allege the existence of a public road, the proponent of the public status of the road shall present evidence first, and the burden shall then shift to the opponent to present evidence to refute the public status of the road. (2307 amended by Act 126 of 2008) (53 P.S. §67307)

Section 2308. Opening, Repairing and Closing Roads.-(a) Public roads in townships shall, as soon as practicable, be effectually opened. All public roads shall at all seasons be kept in repair and reasonably clear of all impediments to easy and convenient traveling at the expense of the township.

(b) The board of supervisors may temporarily close any township road when it determines that conditions have rendered that road unfit or unsafe for travel and immediate repair or maintenance, because of the time of year or other conditions, is impracticable. The road or portion of road closed shall be properly marked at its extremities, and a means of passage for the customary users of the road shall, when possible, be provided.

(c) Anyone using the road or portion thereof after the road has been properly closed and marked, without a permit from the board of supervisors, commits a summary offense. All fines recovered are payable to the general township fund. Persons who have no outlet due to the closing of a road may drive on, over or across the road with the written consent of, and subject to conditions imposed by, the board of supervisors or their agents or contractors without being subject to the penalties imposed by this section. (53 P.S. §67308)

Section 2309. Time Within Which Roads to be Opened.-When proceedings have been initiated under this act for the opening and laying out of any public road in the township, the road shall be physically opened for use by the public within a period of five years after completion of the proceeding. If the road is not opened or if no proceedings have been commenced to compel the opening in five years, then the proceedings are void and the land proposed to be taken shall revert to the owners of the land free of any easement or right of the public to use the land. (53 P.S. §67309)

Section 2310. Detours.-(a) Except for emergencies, no public road shall be closed to traffic except upon order of the board of supervisors, and no public road shall be closed to traffic when it has been designated as a detour by the Department of Transportation unless the written consent of the Department of Transportation is first obtained or unless the board of supervisors by resolution declares the closing necessary for the protection of the public safety.

(b) When any public road is closed, the board of supervisors shall designate a detour on which shall be erected and maintained while the detour is in use legible direction signs at each public road intersection through the length of the detour. When the detour is in use, the board of supervisors shall maintain the detour in safe and passable condition, except for State and county highways. The board of supervisors shall immediately remove all detour signs when the road that was originally closed is open for traffic. Except for State and county highways, the board of supervisors may acquire, by agreement or right of eminent domain, right-of-way privileges over private property for the period when the road is closed to traffic. In the exercise of the rights conferred by this section, the board of supervisors may pay for the necessary maintenance, subsequent repair and land rental.

(c) Any person who removes, defaces, destroys or disregards any barricade, light, danger sign, detour sign or warning of any other character whatsoever erected or placed under authority of this section or who drives on, over or across any road which has been properly closed commits a summary offense.

(d) In addition to the penalties imposed by this section, the board of supervisors may in an action at law recover damages from any person or persons who have damaged a road by driving on the road when it is closed to vehicular traffic under this act.

(e) All fines and moneys collected under this section shall be paid to the township treasurer. (53 P.S. §67310)

Section 2311. Relocating or Vacating Roads by Agreement.-(a) When the board of supervisors relocates or vacates any part of any public road under its supervision and can agree with the property owners affected by the relocation or vacation, it may relocate or vacate the public road without the formality of a view.(b) A copy of the agreement setting forth the facts regarding the relocation or vacation, accompanied by a map or draft of the road agreed to be relocated or vacated, shall be presented and recorded in the office of the recorder of deeds or similar office in home rule counties after which the new location is the public road or the old location is vacated.

(53 P.S. §67311)

Section 2312. Elimination of Curves; Acquisition of Views.-(a) Any township may acquire, by purchase or by the right of eminent domain, any property and lands along or adjacent to any township road that may be necessary to eliminate dangerous curves and widen roads and provide a free and unobstructed view over lands located at or near the intersection of any two roads or highways, or a road and a railroad or railway, or at any curve in any road, for the better protection and safety to the traveling public.

(b) The proceedings for the condemnation of the property or land and for the assessment of damages for property or land taken, injured or destroyed shall be taken under Article XXXIV. (53 P.S. §67312)

Section 2313. Roads in or near Public Parks.-(a) The board of supervisors may contract with the Commonwealth, a county or a municipal corporation owning and operating parks inside the township to establish, relocate, alter or vacate public roads inside or contiguous to those parks. The board of supervisors shall take no action with respect to the public roads without the written consent and agreement of the Commonwealth, county or municipal corporation owning and operating the parks. Any road when altered or relocated under this section shall be maintained and repaired the same as other township roads.

- (b) The agreement shall be adopted by ordinance, and, within thirty days, the road shall he a public road of the township.
- (c) The owner of any land through which any public road may be located or relocated may apply by petition to the court of common pleas, setting forth the injury which has been sustained by reason of the relocation of the public road, and the proceedings relative to the assessment and payment of damages of the landowner shall be under this act for eminent domain. (53 P.S. §67313)

Section 2314. Petition of Property Owners for Improvements.-(a) Any township may improve any public street in the township upon the petition of property owners representing a majority in number of feet front of the properties abutting on the street proposed to be improved at the expense of the property owners.

- (b) The cost of the improvement may be collected from the owners of the real estate abutting on the street or highway, or part thereof, by an equal assessment on the foot-front basis.
- (c) The assessments for improvement shall be filed with the township treasurer under section 3302(a).
- (d) The term "owner," as used in this section, means all individuals and public or private corporations, copartnerships and associations having title in the assessed property. If the owner is a nonresident of the township and the place of residence is unknown or if the ownership of the property cannot be ascertained, the notice shall be posted on the premises and a copy shall be left with the occupant, if any. (53 P.S. §67314)

Section 2315. Improvements Without Petition.-(a) The board of supervisors may by ordinance provide for the construction, reconstruction, repair or other improvements to any public street in the township.

- (b) The cost of improvements may be collected from the owners of the real estate abutting on the street or highway, or part thereof, by an equal assessment on the foot-front basis; but in no instance shall any abutting property owner be liable for the cost of improvements in an amount greater than fifteen percent of the assessed valuation of the abutting property: Provided, further, with respect to any property used exclusively for forestry purposes, for agricultural purposes, or for both as of the time of the assessment, That the assessment shall be based upon the actual foot frontage of such property or one hundred and fifty feet, whichever is less. Any expense above the maximum liability of abutting property owners shall be paid by the township.

 (c) All assessments for improvements shall be filed with the township treasurer under section
- (d) If abutting property owners fail to pay the expenses of the improvements for which they are liable, the board of supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens. (53 P.S. §67315)

Section 2316. Acceptance of Land for Road Purposes.-(a) The board of supervisors may by resolution accept any land dedicated by deed to the township to be used as a road, street or alley. A copy of the resolution, together with a draft or survey of the road, street or alley, showing location and width thereof, shall be filed with the clerk of the court of common pleas.

- (b) When plans of dedicated roads, streets or alleys located in townships have been approved and recorded under this article, the board of supervisors may by resolution accept any roads, streets or alleys as public roads if shown in the plans as dedicated to that use and if the roads or streets are not less than thirty-three feet in width and the alleys are not less than fifteen feet in width.
- (c) Upon the filing with the clerk of court of common pleas of the county a certified and attested copy of the resolution, the roads, streets or alleys become a part of the public road system of the township and shall be so recorded in the court. (53 P.S. §67316)

Section 2317. Approval of Plans.-(a) No person shall construct, open or dedicate any road or any drainage facilities for public use or travel without first submitting plans thereof to the board of supervisors for its approval. The plans shall be prepared under rules and regulations adopted by the board of supervisors and shall show the profiles of the roads, the course, structure and capacity of any drainage facilities, the method of drainage of the adjacent or contiguous territory and any other details that may be required under the rules or regulations adopted by the board of supervisors. The board of supervisors may alter the plans and specify any changes or modifications of any kind and may make its approval of the plans subject to those alterations, changes or modifications. The plans when so approved shall be signed by the board of supervisors, and a copy shall be filed with the secretary of the township. No road or drainage facilities shall be opened, constructed or dedicated for public use or travel except in compliance with plans approved by the board of supervisors and until the approved plan is recorded as required in this section.

- (b) If the board of supervisors refuses to approve any plans submitted to it under this section, any person aggrieved by the action of the board of supervisors may within thirty days appeal to the court of common pleas. The court shall hear the matter de novo and, after hearing, may enter a decree affirming, reversing or modifying the action of the board of supervisors.
- (c) The action of the board of supervisors, or of the court on appeal, in approving any plans shall be recorded by the person applying for the approval in the office of the recorder of deeds of the county.
- (d) No person shall present to the recorder of deeds any plan which has not been approved by the board of supervisors. Approval shall be so indicated on the plan presented for recording.

 (e) If any road or any drainage facilities are opened, constructed or dedicated for public use or travel, except in compliance with plans approved and recorded, neither the board of supervisors nor any public authorities shall be required to place, construct or operate any sewer, drain, water pipe or other facilities or do any work of any kind in or upon that road; and neither the board of supervisors nor any other public authorities have any responsibility of any kind with respect to the

road or drainage facilities even if they are in use by the public. Nothing in this act shall prevent the laying of trunk sewers, drains or water or gas mains if required by engineering necessity for the accommodation of other territory.

- (f) Any person who constructs, opens or dedicates any road or any drainage facilities in connection therewith for public use or travel in any township without having first complied with this section and any resolutions of the board of supervisors commits a misdemeanor of the third degree and is subject to a suit for all costs and damages incurred by the township or property owners in the course of correcting all substantive violations of State or municipal law or regulations resulting from or arising out of the unlawfully recorded plan. All fines and moneys so recovered shall be paid to the township treasurer.
- (g) No approval of plans by the board of supervisors shall obligate or require the township to construct, reconstruct, maintain, repair or grade the roads. (53 P.S. §67317)

Section 2318. Markers and Monuments.-The board of supervisors and its agents may enter any land and property and maintain marks and monuments in carrying out its powers and duties under this article. (53 P.S. §67318)

Section 2319. Powers of State and Counties Preserved.-Nothing contained in this article shall be held to restrict or limit the Department of Transportation or any county in the exercise of any of its duties, powers and functions under any State law. (53 P.S. §67319)

Section 2320. Power to Open Drains and Ditches.-(a) The board of supervisors or its agents may enter any lands or enclosures and cut, open, maintain and repair drains or ditches through the property when necessary to carry the water from the roads.

(b) Any person who damages or diverts any drain or ditch without the authority of the board of supervisors commits a summary offense and is liable for the cost of restoring the drain or ditch. All fines and moneys so recovered shall be paid to the township treasurer. (53 P.S. §67320)

Section 2321. Railroad Crossings.-(a) Every township constructing a road across a railroad shall construct the road above or below the grade thereof unless permitted by the Pennsylvania Public Utility Commission to construct the road at grade.

(b) Any crossing of a railroad by a road or any vacation of any road crossing a railroad shall be made only under the jurisdiction of the Pennsylvania Public Utility Commission. Compensation for damages to the owners of adjacent property taken, injured or destroyed shall be determined under 66 Pa. C.S. (relating to public utilities). (53 P.S. §67321)

Section 2322. Permits.-No railroad or street railway shall be constructed upon any township road, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in. any portion of a township road except under conditions, restrictions and regulations specified in permits granted by the township for that purpose. Each application shall be submitted to the township in duplicate. The township shall collect a fee as determined by the Department of Transportation for processing the application and another fee for making the inspection. Each application shall be accompanied by both fees. When the township grants the permit, the board of supervisors or its agents shall inspect the work authorized by the permit upon the completion thereof and, when necessary, enforce compliance with the conditions, restrictions and regulations specified by the township. In addition to that inspection, the board of supervisors or its agents may reinspect the work not more than two years after its completion, and, if any settlement of the road surface or other defect appears in the work contrary to the conditions, restrictions and regulations of the township, it may enforce compliance therewith. If the applicant fails to rectify a defect which presents an immediate or imminent safety or health problem within forty-eight hours or any other defect within sixty days after written notice from the board of supervisors to do so. the board of supervisors or its agents may do the work and impose upon the applicant the cost thereof, together with an additional twenty percent of the cost, which may be recovered by an

action in assumpsit in the court of common pleas of the county. All fees received by the township shall he paid into the township treasury. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within five days after completion of the work, after which time the remaining provisions of this section apply. Nothing in this section authorizes a township to regulate or control the operations of any permittee except under this section. (53 P.S. §67322)

Section 2323. Penalty for Destroying Signs.-A person shall not destroy, remove, injure or deface any sign legally erected upon or near any public street, road or bridge by the board of supervisors, or by any club, association or other organized body, for the direction, guidance or safety of travelers. A person shall not destroy, remove, injure or deface any temporary traffic-control device legally erected to enhance traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the township or the Department of Transportation. Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the first offense and a mandatory fine of five hundred dollars (\$500) for the second or any subsequent offense, with costs of prosecution, together with the value of the destroyed, removed or defaced sign. All fines and moneys imposed and collected shall be paid to the township treasurer. (53 P.S. §67323)

Section 2324. Protection of Highways from Snowdrifts.-(a) The board of supervisors may enter private property adjacent to any public road or highway and place thereon a snow fence to within a limit of one hundred feet from the right-of-way line of the public road in order to eliminate snow drifting on the traveled portion of the public road.

(b) A snow fence may not be placed before the first day of November or remain in place after the first day of April of the succeeding year unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of the snow fence.

(c) If the board of supervisors and the owner of the property upon which a snow fence is placed and removed under this section cannot agree to the amount of compensation, if any, to be paid to the owner for placing the fence, including the amount of damages, if any, to be paid for injury to the property resulting from placing and removing the fence, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in the manner provided in this act for eminent domain proceedings. Damages, if any, when ascertained shall be paid by the township from the general township fund. (53 P.S. §67324)

Section 2325. Saving Trees and Shrubbery.-(a) The board of supervisors or its agents shall not remove any shrub or tree growing within the right-of-way of any township road or street except those shrubs and trees the board of supervisors finds to constitute a hazardous or dangerous condition to the use of the highway or those which impair the use or maintenance of the public road or street. No tree having a trunk diameter in excess of six inches shall be removed without notice of the proposed removal having first been given to the abutting property owner. The township supervisors shall determine by resolution the form of notice to property owners.

(b) All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highways shall be surrendered to and remain the property of the abutting owners.

- (c) The board of supervisors may clear out brush and other refuse along the sides of the road to the legal width thereof. All clearing and removal of brush and refuse shall be confined to growth that is within the right-of-way and to the removal of branches that in any way interfere with public travel. No other injury by fire, cutting, abrasion or otherwise shall be done to the standing timber. (d) Any person who violates the provisions of this section commits a summary offense. All fines shall be paid into the general township find.
- (e) Nothing in this section prevents the board of supervisors or roadmasters or other persons in their employ from removing roadside trees which may be thrown down by wind or lodged in a

position as to be a menace to public travel or which, by reason of any other cause, may become a source of danger to the public. (53 P.S. §67325)

Section 2326. Obstructions and Nuisances.-Any person who obstructs any public road or commits any nuisance thereon by felling trees, making fences, turning the road, diverting water onto or in any other way and who does not, on notice given by the board of supervisors, immediately remove the obstruction or nuisance and repair the damages done to the road commits a summary offense. Nothing in this section shall debar a prosecution for any nuisance as in case of misdemeanor at common law. (53 P.S. §67326)

Section 2327. Traffic Lights and Signals.-The board of supervisors may provide for the erection, maintenance and operation of traffic lights and traffic signals in accordance with 75 Pa. C.S. (relating to vehicles). (53 P.S. §67327)

Section 2328. Regulation of Parking.-(a) The board of supervisors may by ordinance regulate parking, provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped or severely disabled veteran parking and impose penalties for the violation of those regulations.

(b) The board of supervisors may provide for the erection, maintenance and regulation of parking meters, and it may by ordinance establish parking meter charges and impose penalties for the violation of those regulations. (53 P.S. §67328)

Section 2329. Naming of Streets.-The board of supervisors may provide for and regulate the naming of streets, roads and highways. When the naming of a street, road or highway will affect signing maintained by the Department of Transportation, the board of supervisors shall notify the department. (53 P.S. §67329)

Section 2330. Bike Paths.-The board of supervisors may provide for the construction and maintenance of bike paths for the protection or convenience of the traveling public. (53 P.S. §67330)

Section 2331. County Bridges.-When the cost of construction or maintenance of a bridge located within the township is paid in whole or in part by the county, the board of supervisors may make agreements for the maintenance and repair of the bridge. (53 P.S. §67331)

Section 2332. Boundary Roads and Bridges.-(a) When any road or bridge, other than a State or county road or bridge, is created or located along, on or over boundaries between townships and any other municipal corporation, the creation, location, construction, maintenance and repair of the road or bridge shall be the joint responsibility of the township and the municipal corporation with which the common boundary is shared.

- (b) The board of supervisors may make agreements with any adjacent municipal corporation to provide for the apportionment of the cost of construction, repair and maintenance of boundary roads or bridges.
- (c) If an amicable agreement on the proportionate share of costs of construction, repair and maintenance of boundary roads or bridges cannot be executed, the board of supervisors or the governing body of the other municipal corporation involved may petition the court of common pleas of the county or counties for a determination of the rights and responsibilities of the respective municipal corporations involved. (53 P.S. §67332)

ARTICLE XXIV SIDEWALKS, FOOTPATHS AND CURBS

Section 2401. Location, Lines, Grades and Width of Curbs, Sidewalks or Footpaths; Costs.-(a) The board of supervisors may by ordinance regulate the line, grade and width of curbs, sidewalks or footpaths constructed along the roads or highways in the township, shall have general supervision over them and may establish a grade or grades for curbs, sidewalks or footpaths, which grade or grades may be separate and apart from the grade or grades established for the cartway or roadway.

- (b) If the highway is a State or county highway, the written consent of the Department of Transportation or the county commissioners shall first be obtained.
- (c) The costs of construction of sidewalks, footpaths or curbs may be paid by one of the following methods:
- (1) The board of supervisors, upon the request of any landowner whose land fronts upon a public road or highway within the township, may establish a sidewalk or curbs along one or both sides of the road or highway along the lands of the owner. When the sidewalks or curbs are established, the landowner shall pay for the construction of the sidewalks or curbs and keep them in repair.
- (2) The board of supervisors may construct sidewalks or curbs along the roads or highways, upon the petition of property owners representing a majority in number of feet front of the properties abutting on the roads or highways where the sidewalks or curbs are to be constructed. When a petition is filed with the board of supervisors, the property owner shall be given notice by the board of supervisors to construct the sidewalk or curb. If the owner fails to complete the sidewalk or curb within a period of sixty days after the receipt of the notice, the board of supervisors may construct the sidewalk or curb. When any sidewalk or curb is constructed by the board of supervisors, the expense of the construction of the sidewalk or curb shall be paid by the abutting property owners in proportion to their frontage. If the owners fail to pay the expenses of the construction of the sidewalk or curb, the board of supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.
- (3) The board of supervisors may by ordinance in absence of a petition, provide for the construction, reconstruction and repair of sidewalks and curbs within the township. When any sidewalks or curbs are constructed, reconstructed or repaired by the board of supervisors under the ordinance, the expense of the construction of the sidewalks or curbs shall be paid by the abutting property owners in proportion to their frontage, but no owner shall be liable for the cost of construction of the sidewalk or curb in an amount greater than fifteen percent of the assessed valuation of the abutting property. Any expense above the maximum liability of abutting property owners shall he paid by the township. If abutting property owners fail to pay the expenses of the construction of the sidewalks or curbs for which they are liable, the board of supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.
- (4) When the board of supervisors establishes that any part of any road or highway is dangerous to the traveling public and the danger could be materially reduced or lessened by the construction of a sidewalk, curb or footpath, the board of supervisors may lay out and construct a sidewalk, curb or footpath along the dangerous portion of the road or highway at township expense.
- (d) All assessments for costs levied under this article shall be filed with the township treasurer and collected under section 3302(a). (53 P.S. §67401)

ARTICLE XXV SANITARY SEWERS

Section 2501. Sanitary Sewers.-The board of supervisors may establish and construct sanitary sewer systems which shall if possible be constructed along and within the lines of the rights-of-way of public roads. If the board of supervisors determines that the systems shall be located on or through private property, the board of supervisors may acquire the land by gift, purchase or eminent domain. (53 P.S. §67501)

Section 2502. Sanitary Sewer Connections.-(a) The board of supervisors may by ordinance require adjoining and adjacent property owners to connect with and use the sanitary sewer system, whether constructed by the township or a municipality authority or a joint sanitary sewer board. In the case of a sanitary sewer system constructed by the township pursuant to either section 2501 or 2516, the board of supervisors may impose and charge to property owners who desire to or are required to connect to the township's sewer system a connection fee, a customer facilities fee, a tapping fee and other similar fees, as enumerated and defined by clause (t) of subsection B of section 4 of the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," as a condition of connection to a township-owned sewer collection, treatment or disposal facility. If any owner of property adjoining or adjacent to or whose principal building is within one hundred and fifty feet from the sanitary sewer fails to connect with and use the sanitary sewer for a period of sixty days after notice to do so has been served by the board of supervisors, either by personal service or by registered mail, the board of supervisors or their agents may enter the property and construct the connection. The board of supervisors shall send an itemized bill of the cost of construction to the owner of the property to which connection has been made, which bill is payable immediately. If the owner fails to pay the bill, the board of supervisors shall file a municipal lien for the cost of the construction within six months of the date of completion of the connection.

- (b) When an existing sanitary sewer system owned by or leased to a township is extended or altered at the expense of a developer or other private person or corporation under the supervision of the township or a municipality authority of the township, the board of supervisors may by ordinance or resolution take over the extension or alteration and compel all owners of property which is not already connected to an existing public sanitary sewer system and which is accessible to and whose principal building is within one hundred and fifty feet from the sanitary sewer extension to make connection therewith and use the sanitary sewer system as the board of supervisors may order.
- (c) Whenever a sewer system or any part or extension thereof owned by a township has been constructed by the township at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the township at the expense of the private person or corporation, the board of supervisors shall have the right to charge a tapping fee, including a reimbursement component, and refund said reimbursement component to the person or corporation who has paid for the construction of said sewer system or any part or extension thereof.
- (d) The board of supervisors shall not require any commercial or industrial business to connect to the township sanitary sewer system when the commercial or industrial business is operating a private sanitary sewage treatment plant under mandate of any agency of the Federal or State Government. This exemption shall last as long as the private sanitary sewage treatment plant continues to meet the specifications and standards mandated by the Federal or State agency and for forty-five days after that. If, during the days immediately after the day a business' private sanitary sewage treatment plant is determined to be below Federal or State mandates, repairs cannot be made to bring the private sewage treatment system back up to satisfactory condition, the board of supervisors may require the business to connect to the township sanitary sewer system. The full costs of connection to and any necessary refurbishing of the township sanitary sewer system shall be paid by the business.
- (e) The exemption in subsection (d) is not available in any situation where the business seeking to use it had notice, either actual or constructive, before construction of its sewage treatment

plant, of the township's intention to construct a sanitary sewer system and to require that business to connect with its system.

(f) The Department of Environmental Protection shall not issue any permit to allow a commercial or industrial business to construct its own private sewage treatment plant without the written consent of the board of supervisors of the township in which the private sewage treatment plant is proposed to be located. (53 P.S. §67502)

Section 2503. Notice of Contemplated Construction.-No sanitary sewer system shall be constructed under this article unless a resolution of the board of supervisors authorizing the construction is published in a newspaper of general circulation in the township once a week for three successive weeks. (53 P.S. §67503)

Section 2504. Entering Lands to Mark Sanitary Sewer Routes; Damages.-In the absence of an agreement with the owners of land required for sanitary sewer systems or for the marking of the route of the systems, the board of supervisors or its agents have the right to enter the lands for that purpose. For all damage done by entering the land under this section, the general fund of the township shall be pledged as security. Damages shall be determined by viewers under this act for eminent domain proceedings. (53 P.S. §67504)

Section 2505. Sanitary Sewer Systems; Acquisition of Land and Facilities; Damages.-The board of supervisors may acquire by eminent domain or make contracts with other municipal corporations, corporations or persons for the acquisition of lands or facilities for the location, construction, maintenance, reconstruction and enlargement of sanitary sewer systems and treatment facilities. Acquisitions may be made for the purpose of future construction or additions to existing systems. The acquired land may be located either inside or outside the boundaries of the township. For all damage done to owners of land by reason of the taking of the land, the general fund of the township shall be pledged as security. Damages shall be determined by viewers under this act for eminent domain proceedings. (53 P.S. §67505)

Section 2506. Cost of Construction; How Paid.-All or part of the cost of construction of a sanitary sewer system constructed under this article may be charged upon the properties accommodated or benefited by the construction. (53 P.S. §67506)

Section 2507. Sanitary Sewer Districts.-(a) When a sanitary sewer system is constructed by a township for the accommodation of a certain portion of the township, the board of supervisors may before or after the construction designate the territory accommodated as one sanitary sewer district or divide it into several sanitary sewer districts. The board of supervisors shall estimate the proportion of the cost of the sanitary sewer system to be charged on each of the districts and declare and establish the apportionment by resolution.

(b) When a sanitary sewer system is constructed by a township for the benefit only of a certain portion of the township and the cost of main sanitary sewers, pumping stations, pressure lines, et cetera, is charged against the sanitary sewer district or sanitary sewer districts, all or part of the amount charged to each district may be assessed to the district by an assessment upon each lot or piece of land in the district, in proportion to its frontage abutting on the sanitary sewer, or by an assessment upon the several properties abutting on the sanitary sewer, in proportion to benefits, or upon the properties connected with and using the sanitary sewers as rental fees, or each lot or piece of ground abutting upon the sanitary sewer may be assessed, in proportion to its frontage or according to benefits, the cost of a local sanitary sewer, and the balance of the amount charged against the district may be assessed upon the properties connected with and using the sanitary sewer, as rental fees. No district shall be charged with more than its due proportion of the cost of the main sanitary sewers, pumping stations, et cetera, used jointly by more than one district. If the whole of the township is accommodated by the sanitary sewer system, it may be treated as a single district. (53 P.S. §67507)

Section 2508. Manner of Assessment.-When a township is divided into sanitary sewer districts, the assessment in each district may be by different methods. The assessment, if any, for sanitary sewer system construction shall be charged upon the properties accommodated or benefited by one of the following methods:

- (1) By an assessment, under a resolution or ordinance of the board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the sanitary sewer system, allowing an equitable reduction in the case of corner properties and unusually shaped properties or those properties abutting on more than one collector line of the sanitary sewer as the resolution or ordinance may specify. When the lot or piece of land is on a corner, it shall be assessed for its entire frontage abutting on any sanitary sewer system.
- (2) By an equal assessment on all properties abutting on the sanitary sewer system in proportion to the total cost of construction of the sanitary sewer system. The amount of the charge on each property shall be determined by the board of supervisors. (53 P.S. §67508)

Section 2509. Procedure for Assessments.-If taxpayers of the district whose property valuation as assessed for taxable purposes within the district amounts to fifty percent of the total property valuation so assessed or if taxpayers representing fifty percent of the parcels within the district present a petition within three months of the adoption of a resolution or ordinance levying an assessment under section 2508 to the court of common pleas that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition a request for the appointment of viewers to assess benefits. The court shall appoint three disinterested viewers, none of whom shall be a resident of that portion of the township which is accommodated by the sanitary sewer system in question, and the viewers shall proceed under this act for the assessment of damages and benefits by viewers. Upon the filing of a petition by taxpayers for appointment of viewers, any assessment made by the board of supervisors and any proceedings shall be stayed pending the disposition of the petition by the court.(2509 amended June 22, 2000, P.L.400, No. 55) (53 P.S. §67509)

Section 2510. Liens for Assessments; Costs of Proceedings.-After the amount of the assessment charged upon the several properties has been established by resolution making assessments according to section 2508 or by confirmation of any report of viewers, in whole or in part, the amounts of all assessments are payable to the township treasurer for the use of the sanitary sewer district or districts or the township in which they are assessed. The board of supervisors shall make out bills for the amounts charged against each property, which shall be sent to all property owners whose property will be served by the sanitary sewer system. If the assessment is not paid within ninety days after the mailing of a bill therefor, the board of supervisors shall collect it by action of assumpsit or under law for the filing and recovery of municipal claims. (2510 amended by Act 34 of 2008) (53 P.S. §67510)

Section 2511. Rental Fees.-(a) All persons whose property is connected to a sanitary sewer system shall pay to the township treasurer, in addition to the cost of making the connection, a monthly, quarterly, semi-annual or annual charge adopted by a resolution of the board of supervisors. The charges constitute a lien until paid against the property connected to the sanitary sewer system, and the amount thereof may be recovered by due process of law. All water utilities supplying water to users within the boundaries of any township shall at the request of the board of supervisors furnish to the township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge so that the data may be used in calculating rental fees. The township may pay to the utilities clerical and other expenses incurred in the preparation of the lists.

- (b) Nothing in this section shall be construed to repeal or modify any of the provisions of 66 Pa.C.S. (relating to public utilities).
- (c) All sewer rentals received shall be deposited in a special fund to be used only for the payment of the cost of construction, reconstruction, repair, operation and maintenance of the sanitary sewer system. (53 P.S. §67511)

Section 2512. State and County Highways; Consents Necessary.- Sanitary sewers may be constructed in or under any State or county highway. If the construction of sanitary sewers is in or under county highways, the consent of the county commissioners of the county shall first be obtained and, if the construction of sanitary sewers is in or under any State highway, the consent of the Department of Transportation shall first be obtained. (53 P.S. §67512)

Section 2513. Municipal Corporation; Municipality Authority; Agreements for Connections; Appointment of Viewers.-(a) Any township may by agreement connect with an existing sanitary sewer owned by any municipal corporation or municipality authority for either sewage collection or treatment purposes.

(b) When any township desires to connect with the existing sewer of any municipal corporation or municipality authority, a petition shall be presented by the board of supervisors to the court of common pleas setting forth the facts. The court shall fix a day for hearing upon the petition and direct public notice be given to all interested parties. If the court is of the opinion that the connection can be made without impairing the usefulness of the existing sanitary sewer system, it shall appoint three viewers to view the premises, investigate the facts of the case, assess the necessary costs and expenses of making the connection and the proportionate part of the expense of building the original sanitary sewer system upon the township, determine the proportion of the expense for repairs which the municipal corporation or municipality authority and the township shall bear and determine all other questions liable to arise in connection therewith. (53 P.S. §67513)

Section 2514. Report of Viewers.-The viewers shall report the results of their investigation to the court, and the court shall confirm the report within thirty days of its submission unless exceptions are filed. Any interested party may appeal the disposition of filed exceptions. (53 P.S. §67514)

Section 2515. Acquisition of Existing Sanitary Sewer Systems.-(a) The board of supervisors of the township in which the facilities are located may acquire all or part of an existing sanitary sewer system or community subsurface sewage collection and treatment system.

- (b) Acquisition may be by either purchase, when the board of supervisors and the owner can agree on a price not exceeding the actual value of the sanitary sewer system or part thereof to be transferred, or by deed of dedication to the township by the owners of the sanitary sewer system or part thereof or by the exercise of eminent domain.
- (c) If any sanitary sewer system or community subsurface disposal collection and treatment system is acquired by purchase or taking under this section, the cost of acquisition may be distributed or assessed under this act as when a sanitary sewer system is constructed by the township.
- (d) The rights, powers and duties of the board of supervisors with respect to acquired systems are the same as exist with respect to sanitary sewer systems constructed by the township. (53 P.S. §67515)

Section 2516. Joint Sanitary Sewer Systems.-(a) Townships may contract with other municipal corporations and municipal authorities providing for the joint construction or maintenance of sanitary sewer systems and for the connection onto existing sanitary sewer systems. The agreements shall provide for the apportionment of costs among the municipal corporations. The board of supervisors may assess the township's respective portions of the costs, as may be legally assessable, upon property benefited by the facilities. Any portion of the cost not assessed or assessable shall be paid by the respective municipal corporations under the agreement.

(b) The municipal corporations joining or contemplating joining in the project in order to facilitate the building of the sanitary sewer system and in securing preliminary surveys and estimates may by ordinance provide for the appointment of a joint sanitary sewer board composed of one representative from each of the municipal corporations joining which shall act generally as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance. Members of the joint sanitary sewer board shall serve for terms of six

years each from the dates of their respective appointments and until their successors are appointed. The joint sanitary sewer board shall organize by the election of a chairman, vicechairman, secretary and treasurer. The municipal corporations may in the ordinances creating the joint sanitary sewer board authorize it to appoint an engineer, a solicitor and other necessary assistants and agree to the share of the compensation of those persons each municipal corporation is to pay. The members of the joint sanitary sewer board shall receive compensation for attending board meetings as established in the budget that is prepared by the joint sanitary sewer board and submitted to and adopted by the municipal corporations. The budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars (\$250) for each member in each year, but the members shall be entitled to actual expenses to be paid by the respective municipal corporations the members represent. (c) The joint sanitary sewer board may adopt rules and regulations to govern its proceedings and prepare and suggest measures and plans under which the joint improvement may be completed and for the future development of the system. It may prepare a joint agreement or agreements for submission to and adoption by the municipal corporations defining the advisory and administrative powers of the joint sanitary sewer board and setting forth: the consents of the municipal corporations to the proposed improvement; the manner in which preliminary and final plans, specifications and estimates for the proposed improvement shall be prepared and adopted and in which proposals for bids shall be advertised and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance, shall be equitably shared, apportioned and paid; and all other matters, including the preparation and submission of annual and other budgets, that are necessary or required by law to complete the proposed improvement and to assure future maintenance and operation thereof. The board may not make any improvement or spend any public moneys which have not first been authorized by all of the municipal corporations proceeding with the improvement.

(d) When it is necessary to acquire, appropriate, damage or destroy private property to build any joint sanitary sewer system or improvement and the property cannot be acquired by purchase or gift, the right of eminent domain shall vest in the municipal corporation where the property is located. When it is necessary to acquire, damage or destroy property in any territory not within the limits of any of the municipal corporations joining in the improvement, the right of eminent domain shall be vested in the municipal corporation adjacent to the territory where the property is located. Damages for any property that is taken, damaged or destroyed shall be assessed under laws relating to the municipal corporations exercising the right of eminent domain and shall be paid by the municipal corporations joining in the same proportion as other costs of the improvements. (53 P.S. §67516)

Section 2517. State Permit.-No sanitary sewer or plant may be constructed until plans and specifications are submitted to the Department of Environmental Protection and approved. (53 P.S. §67517)

ARTICLE XXVI WATER SUPPLY

Section 2601. Contracts With Water Companies and Municipal Corporations and Acquisition of Water Systems.-(a) The board of supervisors may by contract with any private corporation or any adjacent municipal corporation owning a waterworks system provide water for public and private uses, to be delivered through lines owned by that company or municipal corporation within the township. The contract shall provide the manner by which the cost of the water service shall be paid by the consumers.

(b) The board of supervisors may purchase or acquire a privately owned water system to provide water for public and private uses. If a privately owned water company fails to render service as required by the Pennsylvania Public Utility Commission, the board of supervisors may with the approval of the Pennsylvania Public Utility Commission exercise the right of eminent domain to acquire the water system of the water company to provide water for public and private uses. (c) Any township may by agreement connect with an existing water system owned by any adjacent municipal corporation. When any township desires to connect with the existing water system of any adjacent municipal corporation and no agreement has been reached between the township and the adjacent municipal corporation, a petition seeking approval of the connection shall be presented by the board of supervisors to the court of common pleas. The court shall set a day for hearing upon the petition and shall direct public notice be given to all interested parties. If the court is of the opinion that the connection can be made without impairing the usefulness of the existing water system, it shall appoint three viewers to view the premises, investigate the facts of the case, assess the necessary costs and expenses of making the connection and the proportionate part of the expense of building the original water system upon the township, determine the proportion of the expense for repairs which the municipal corporation and the township shall bear and determine all other questions likely to arise in connection therewith. (53 P.S. §67601)

Section 2602. Water Lines and Connections.-The board of supervisors may contract with any private corporation or any adjacent municipal corporation owning a water system to provide water for public and private uses to be delivered into the lines of the township at or near the boundary thereof. The board of supervisors may by contract lay water lines and extensions and regulate the making of connections therewith. (53 P.S. §67602)

Section 2603. Connection to Water System.- (a) The board of supervisors may by ordinance require that a property owner connect with and use a water system of the township or municipality authority or a joint water board in either of the following cases:

- (1) If, except as provided in subsection (b), the property owner's principal building is located within one hundred fifty feet of a water system or any part or extension of the system.
- (2) If the property owner's principal building has no supply of water which is safe for human consumption.
- (b) A property owner who, after the effective date of this subsection, is subject to mandatory connection pursuant to subsection (a)(1), shall not be required to connect to the water system pursuant to that subsection if all of the following conditions exist:
- (1) The water system of part of extension of the system that is within one hundred fifty feet of the principal building was in existence on the effective date of this subsection.
- (2) The principal building has its own supply of water which is safe for human consumption.
- (3) Prior to the effective date of this subsection, the property owner was not required to connect to the existing system.
- (c) Those industries and farms which have their own supply of water for uses other than human consumption may continue to use their own for that purpose but are required to use the township water system to provide water for human consumption.
- (d) In the case of a water system provided by the township or municipality authority or a joint water board, the board of supervisors may impose and charge to property owners who desire to or are required to connect to the water system a connection fee, a customer facilities fee, a

tapping fee and other similar fees as enumerated under 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).

- (e) Whenever a water system or any part or extension thereof owned by a township has been constructed by the township at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the township at the expense of the private person or corporation, the board of supervisors shall have the right to charge a tapping fee, including a reimbursement component, and refund said reimbursement component to the person or corporation who has paid for the construction of said water system or any part or extension thereof.
- (f) (1) If any property owner required under subsection (a) to connect with and use the system fails to do so within ninety days after notice to do so has been served by the board of supervisors, the board of supervisors or their agents may enter the property and construct the connection.
 (2) The board of supervisors shall send an itemized bill of the cost of construction of connection to the owner of the property to which connection has been made, which bill is payable immediately, or the board of supervisors may authorize the payment of the cost of construction of connections in equal installments under Article XXXIII. (2603 amended by Act 34 of 2008) (53 P.S. §67603)

Section 2604. Water Rents.-The board of supervisors may provide for the collection of water rents from users of water supplied by the township. (53 P.S. §67604)

Section 2605. Distribution System; State Permit.-The board of supervisors may by ordinance provide, acquire, establish, regulate and protect any system of distribution of water for private and public use after a certified copy of the plans and surveys for the system, with a description of the sources from which it is proposed to derive the supply, are filed with the Department of Environmental Protection and a written permit for the construction of the system is obtained from the Department of Environmental Protection. (53 P.S. §67605)

Section 2606. Occupation of Highways.-In regulating, protecting and extending its system of distribution of water, the township may occupy public highways, but no highway under the jurisdiction of the Department of Transportation shall be occupied until a permit therefor has been obtained from the department nor any highway under the jurisdiction of the county until a permit therefor has been obtained from the county commissioners. (53 P.S. §67606)

Section 2607. Joint Construction, Acquisition or Maintenance of Water Systems.-Any township may join with any other municipal corporation in the construction or acquisition and maintenance of water systems. The construction of water systems shall be commenced only after plans for the systems have been filed with the Department of Environmental Protection and permits have been issued. (53 P.S. §67607)

Section 2608. Joint Water Board.-The municipal corporations joining in the improvement, in order to facilitate the building of the water system and in securing preliminary surveys and estimates, may by ordinance provide for the appointment of a joint water board composed of one representative from each of the municipal corporations joining to act generally as the advisory and administrative agency in the construction of the improvement and its subsequent operation and maintenance. Members of the joint water board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed. The joint water board shall organize by the election of a chairman, vice-chairman, secretary and treasurer. The municipal corporations may in the ordinances creating the joint water board authorize it to appoint an engineer, a solicitor and other necessary assistants and agree to the share of the compensation of those persons each municipal corporation is to pay. The members of the joint water board shall receive compensation for attending board meetings as established in the budget that is prepared by the joint water board and submitted to and adopted by the municipal corporations. The compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars (\$250) for each member in each year, but the members shall be

entitled to actual expenses to be paid by the respective municipal corporations the members represent. (53 P.S. §67608)

Section 2609. Public Utility Law Saved.-Nothing contained in this article shall be construed to repeal or to supersede any of the provisions of 66 Pa. C.S. (relating to public utilities). (53 P.S. §67609)

Section 2610. Cost of Construction; How Paid.-All or part of the cost of construction of any water system constructed by the authority of this article may be charged upon the properties accommodated or benefited thereby. (53 P.S. §67608)

Section 2611. Water Districts.-The board of supervisors may designate, define and create one or more water districts within the township, and the board of supervisors shall determine the proportion of the cost of the water system which shall be equitably charged on each district and declare and establish the apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main pipe lines, pumping stations, et cetera, used jointly by more than one district. (53 P.S. §67611)

Section 2612. Assessment.-The board of supervisors may provide for the payment of the cost of water lines or water systems in the township or in districts thereof by an assessment upon the properties accommodated or benefited by one of the following methods:

- (1) By an assessment under a resolution or ordinance of the board of supervisors of each lot or piece of land in proportion to its frontage abutting on the water mains, allowing an equitable reduction in the case of corner properties and unusually shaped properties or in the case of properties abutting on more than one main as the resolution or ordinance may specify.
- (2) By an equal assessment on all properties abutting on the mains in proportion to the total cost of construction. The amount of the charge on each property shall be determined by the board of supervisors. (53 P.S. §67612)

Section 2613. Procedure for Assessment.-If taxpayers of the district whose property valuation as assessed for taxable purposes within the district amounts to fifty percent of the total property valuation so assessed or if taxpayers representing fifty percent of the parcels within the district present a petition within three months of the adoption of a resolution or ordinance levying an assessment under section 2612, to the court of common pleas stating that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition a request for the appointment of viewers to assess benefits. The court shall appoint three disinterested viewers, none of whom shall be a resident of that portion of the township which is accommodated by the water system in question, and the viewers shall proceed under this act for the assessment of damages and benefits by viewers. Upon the filing of the petition by taxpayers for appointment of viewers, any assessment made by the board of supervisors and any proceedings shall be stayed pending the disposition of the petition by the court.(2613 amended June 22, 2000, P.L.400, No. 55) (53 P.S. §67613)

Section 2614. Liens for Assessments; Costs of Proceedings.-After the amount of the assessment charged upon the several properties has been established by resolution making assessments according to Section 2612 or by confirmation of any report of viewers, in whole or in part, the board of supervisors shall make out bills for the amounts charged against each property, which shall be sent to all property owners whose property will served by the water system. If the assessment is not paid within sixty days after the mailing of a bill therefor, the board of supervisors shall collect it by action of assumpsit or under law for the filing and recovery of municipal claims.(2614 amended June 22, 2000, P.L.400, No.55) (53 P.S. §67614)

ARTICLE XXVII STORM WATER MANAGEMENT PLANS AND FACILITIES

Section 2701. Storm Water Management Systems Authorized.-The board of supervisors may plan, design, construct, assemble, install and alter facilities, including, but not limited to, inlets, outlets, systems of piping, diversion terraces, grass waterways, energy dissipaters, storm water retention devices and natural or artificial infiltration areas, to manage surface water runoff. (53 P.S. §67701)

Section 2702. Construction of Storm Water Management Facilities.-(a) The board of supervisors may acquire by purchase, deed of dedication or eminent domain proceedings all or part of any existing system or facility for the management of surface water runoff which may have been established or constructed by any property owner in the township or establish, construct and maintain systems or facilities in the best interest of the township.

- (b) If the board of supervisors and the owners of systems can agree upon a price to be paid by the township, the purchase may be consummated if the amount to be paid does not exceed the actual value of the facilities to be transferred.
- (c) If the board of supervisors acquires the system by the exercise of eminent domain, the damages shall be determined by viewers under this act for eminent domain proceedings. (53 P.S. §67702)

Section 2703. System Management.-(a) When exercising the powers under this article, the board of supervisors shall manage storm water originating in or passing through the township in a manner which is consistent with the requirements of the act of October 4, 1978 (P.L. 864, No. 167), known as the "Storm Water Management Act," and the storm water management guidelines and any regulations which may be adopted by the Department of Environmental Protection.

(b) All storm water management activities undertaken must be consistent with any watershed storm water management plan when the plan has been approved by the Department of

Environmental Protection.

(c) When storm water management activities are undertaken in watersheds for which there is no approved storm water management plan, all drawings, documents, profiles and designs and descriptions of the proposed activities to be undertaken by the township shall be submitted to the county conservation district for review and comment before the initiation of earthmoving activities. The conservation district shall have thirty days to review and respond with comments to the board of supervisors. Failure to respond within that time constitutes favorable comment by the conservation district. (53 P.S. §67703)

Section 2704. Ordinances.-The board of supervisors may enact storm water management ordinances and require persons conducting earthmoving activities to obtain approval from the board of supervisors for those activities. Ordinances must be consistent with watershed storm water management plans where they exist and in all cases must be consistent with the act of October 4, 1978 (P.L. 864, No. 167), known as the "Storm Water Management Act." (53 P.S. §67704)

ARTICLE XXVIII MANUFACTURE AND SALE OF ELECTRICITY

Section 2801. Manufacture and Sale of Electricity.-Any township may manufacture electricity by means of a hydroelectric generating facility owned or operated by the township for the use of the inhabitants of the township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity. (53 P.S. §67801)

Section 2802. Regulation of Use and Prices.-Any township furnishing electricity under this article may regulate the use of electricity in dwellings, business places and other places in the township and the rate to be charged for the electricity. (53 P.S. §67802)

Section 2803. Sale of Hydroelectric Generating Facilities.-A township may by ordinance sell all or part of its hydroelectric generating facilities to a purchaser for that sale price as the parties may agree upon. (53 P.S. §67803)

Section 2804. Construction or Purchase of Hydroelectric Generating Facilities.-Any township may construct or purchase facilities to manufacture electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at that price as may be agreed upon by the township and the person, partnership or a majority of the stockholders of a corporation that owns the facilities. (53 P.S. §67804)

Section 2805. Submission to Electors.-Before any township constructs or purchases a hydroelectric generating facility, the question of the increase of the debt of the township shall first be submitted to the qualified voters of the township in the manner provided by law for the increase in indebtedness of municipal corporations. (53 P.S. §67805)

Section 2806. Limitation on Indebtedness.-No township which constructs or purchases a hydroelectric generating facility shall incur any indebtedness for the construction or enlargement of a new or existing dam or impoundment structure but may incur indebtedness for repairs or reconstruction of an existing dam or impoundment in connection with the hydroelectric project. (53 P.S. §67806)

ARTICLE XXIX SHADE TREE COMMISSION

Section 2901. Right of Establishment.-The board of supervisors may regulate the planting, maintenance and removal of shade trees in the township, or it may appoint a shade tree commission to administer regulations for shade trees. (53 P.S. §67901)

Section 2902. Commission Members; Appointment; Terms; Vacancies. -(a) Except as provided in subsection (b), a shade tree commission shall be composed of three members who shall be residents of the township.

- (b) The board of supervisors may, by ordinance, provide that the commission be composed of five members who shall be residents of the township.
- (c) Whenever a shade tree commission of three members is established by any township, the initial terms of members shall be for periods of three years, four years and five years respectively. On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the board to serve for a term of five years.
- (d) Whenever a shade tree commission of five members is established by any township, the board of supervisors shall appoint members to staggered terms so that one term expires every year. On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the board to serve for a term of five years.
- (e) Members of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
- (f) Vacancies in the office of shade tree commissioner shall be filled by the board of supervisors for the unexpired term.(2902 amended Mar. 24, 2004, P.L.155, No.18) (53 P.S. §67902)

Section 2903. Powers May be Vested in Recreation Board.-When there exists a board for the care of public parks, the board of supervisors may by ordinance confer on the recreation board all the powers and duties under this article for a shade tree commission. (53 P.S. §67903)

Section 2904. General Powers of Commission.-The shade tree commission has exclusive control of the shade trees in the township and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the township, excluding State highways. (53 P.S. §67904)

Section 2905. Hiring of Employes.-The shade tree commission may with the approval of the board of supervisors employ persons to perform the duties and directions of the commission and make, publish and enforce regulations for the care and protection of the shade trees of the township. No regulations shall be in force until approved by the board of supervisors and until published at least once in a newspaper of general circulation in the township. (53 P.S. §67905)

Section 2906. Report of Commission.-The shade tree commission shall annually report to the board of supervisors its transactions and expenses for the preceding fiscal year of the township. (53 P.S. §67906)

Section 2907. Removal of Diseased or Dangerous Trees.-(a) The shade tree commission or, if no commission exists, the board of supervisors may by ordinance require owners of property to cut and remove trees located on the property if the condition of the trees, through disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.

- (b) If within thirty days after the date of notice by certified mail, return receipt requested, to remove the trees, the property owner has not complied with that order, the commission or the board of supervisors may enter the premises and remove the trees.
- (c) The cost of cutting and removal of trees by the township shall be charged to the property

owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens. (53 P.S. §67907)

Section 2908. Maintenance by Township Funds.-The shade tree commission shall annually certify the costs incurred under this article to the board of supervisors. The costs shall be paid from the general township fund. (53 P.S. §67908)

Section 2909. Penalties.-The shade tree commission, to the extent provided by ordinance of the township, may assess penalties for the violation of its regulations and of this article as far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected. (53 P.S. §67909)

Section 2910. Disposition of Penalties.-All penalties or assessments imposed under this article shall be paid to the township. (53 P.S. §67910)

ARTICLE XXX BOARD OF HEALTH

Section 3001. Establishment of Board of Health.-The board of supervisors may appoint a township board of health and township health officer to administer and enforce the health and sanitation laws of the township. If a board of health is appointed, the board of health may appoint a health officer or inspector whose duties shall be to implement and enforce the health and sanitation laws of the township and actions of the board of health. The health officer or inspector, whether appointed by the board of supervisors or by the board of health, shall not assume the performance of the duties of office until certified as a qualified health officer or inspector by the Department of Environmental Protection, the Department of Agriculture and the Department of Health. (53 P.S. §68001)

Section 3002. Members of Board of Health.-A board of health appointed under this article shall be composed of five members, at least one of whom shall be a licensed physician with not less than two years' experience in the practice of his profession The members of the board of health shall be appointed by the board of supervisors. Upon the creation of a board of health, one member shall be appointed to serve for one year, one for two years, one for three years, one for four years and one for five years, and after that one member shall be appointed each year to serve for five years. Upon the creation of a board of health in a township which has an existing sanitary board, the board of supervisors may continue the incumbent members of the sanitary board as members of the board of health. The members of the board of health shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. (53 P.S. §68002)

Section 3003. Organization, Secretary, Health Officer and Inspectors.- The members of the board of health shall annually organize by electing a chairman from among the members of the board of health, a secretary who may be a member of the board of health and a health officer and inspectors who shall not be members of the board of health. The secretary, health officer and inspectors shall each receive a salary as determined by the board of supervisors and shall serve for a period of one year or until their successors may be appointed and qualified. (53 P.S. §68003)

Section 3004. Duties of Secretary.-The secretary of the board of health shall keep the minutes of the proceedings of the board of health, keep accurate accounts of the expenses of the board of health, draw all requisitions for the payment of moneys on account of the board of health from appropriations made by the board of supervisors to the board of health and present them to the board of health for approval, render statements of the expenses to the board of health at each stated meeting or as frequently as the board of health may require, prepare under the direction of the board of health the annual report to the board of supervisors, together with the estimate of appropriation needed for the ensuing year, and make other reports and perform other duties as the board of health may require. (53 P.S. §68004)

Section 3005. Powers and Duties of Health Officer and Inspectors.-The health officer and inspectors shall attend all stated and special meetings of the board of health and at all times be ready and available for the prompt performance of their official duties. They shall make inspections and execute the orders of the board of health. (53 P.S. §68005)

Section 3006. Powers of Board of Health.-(a) The board of health shall enforce the health and sanitation laws of this Commonwealth and any regulations adopted under those laws and the health and sanitation laws and regulations of the township.

(b) Regulations, when authorized by ordinance of the township, shall have the force of ordinances of the township. All penalties prescribed for violation of the regulations, as well as the expenses actually and necessarily incurred in enforcing ordinances and regulations, are recoverable in enforcement proceedings and shall be paid into the general township fund. Townships may

establish and revise fees for licenses or permits issued by the township as necessary. (53 P.S. §68006)

Section 3007. Entering Premises.-The board of health, health officer or inspectors may enter at any time any premises within the township where there is reasonably suspected to exist any health hazard or violation of health or sanitation laws or regulations or which are of a type that may give rise to a health hazard. (53 P.S. §68007)

Section 3008. Written Order for Violation.-When the board of health, health officer or inspectors determine that a health or sanitation hazard or violation exists, a written order shall be directed to the owner or occupant of the premises involved, ordering an abatement of the hazard or violation and the taking of corrective action as the board of health, health officer or inspectors may deem necessary under the circumstances. The order shall set forth a specific time in which the abatement and corrective action shall be accomplished. If the order is not complied with within the time provided, the board of health, health officer or inspectors may enter the premises and issue orders for the immediate termination of activities creating the violation, the potential violation and all acts of commerce conducted in, on or at the premises in question. In addition, the board of health, health officer or inspectors may proceed to enforce the law or regulation being violated the same as ordinances of the township. (53 P.S. §68008)

Section 3009. Appropriations and Annual Report.-The board of supervisors shall make an annual appropriation to the board of health as the board of supervisors determines. The board of health or health officer shall before the preparation of the annual budget of the township submit to the board of supervisors the estimated expenses of the board of health or health officer for the ensuing year. The board of health or health officer shall by the first day of February of each year prepare and submit to the board of supervisors and the regional office of the Department of Environmental Protection, the Department of Agriculture and the Department of Health an annual report in writing, setting forth the activities and expenditures of the board of health or health officer during the prior calendar year. (53 P.S. §68009)

Section 3010. Cooperation With Other Municipal Corporations.-(a) Any township may cooperate and contract with any other municipal corporation in the administration and enforcement of health and sanitation laws.

- (b) If the board of supervisors abolishes the board of health or positions of health officers or inspectors and discontinues services under this article, the Department of Environmental Protection, the Department of Agriculture and the Department of Health shall be notified. An official copy of the action of the board of supervisors shall be transmitted to the regional office of the Department of Environmental Protection, the Department of Agriculture and the regional office of the Department of Health.
- (c) The board of supervisors, the board of health or the health officer may request assistance from the Department of Environmental Protection, the Department of Agriculture or the Department of Health if the assistance is deemed necessary for the health and safety of township citizens. (53 P.S. §68010)

ARTICLE XXXI CONTRACTS

Section 3101. Power to Make Contracts.-The board of supervisors may make contracts for purchases under this act and the laws of this Commonwealth. (53 P.S. §68101)

Section 3102. Letting Contracts.-(a) All contracts or purchases in excess of the required advertising base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under subsection (b.1), except those specifically excluded, shall not be made except with and from the lowest responsible bidder after due notice in one newspaper of general circulation in the township. The notice for bids shall be published at least two times at intervals of not less than three days in daily newspapers or once a week for two successive weeks in weekly newspapers. The first advertisement shall be published not more than forty-five days, and the second advertisement not less than ten days, before the date set for the opening of bids. Notice of proposed contracts or purchases shall also be posted where the board of supervisors normally meets or in a conspicuous place within the township. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, state the amount of the performance bond determined under subsection (g) and give the date, time and place of a meeting at which an individual or committee appointed by the board of supervisors or the board of supervisors will open and read the bids. ((a) amended by Act 84 of 2011, and December 19, 1996, P.L.1412, No. 181)

- (b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts in excess of the base amount of ten thousand dollars (\$10,000), subject to adjustment under section (b.1), but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years. ((b) amended by Act 84 of 2011)
- (b.1) Adjustments to the base amounts specified under subsections (a) and (b) shall be made as follows:
- (1) The Department of Labor and Industry shall determine the percentage change in all items Consumer Price Index for all Urban Consumers (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics for the twelvemonth period ending September 30, 2012, and for each successive twelve-month period thereafter.
- (2) If the department determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.
- (3) (i) If the department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.
- (ii) The preliminary adjusted amounts shall be rounded to the nearest one hundred dollars (\$100), to determine the final adjusted base amounts for the purposes of subsections (a) and (b).
- (4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums there of shall be rounded to the nearest one hundred dollars (\$100) to determine the new final adjusted base amounts for purposes of subsections (a) and (b).

- (5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following the effective date of this subsection, and annually between October 1 and November 15 of each year thereafter.
- (6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.
- (7) The department shall publish notice in the Pennsylvania Bulletin prior to January 1 of calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which competitive bidding is required under subsection (a) and written or telephonic price quotations are required under subsection (b), respectively, for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.
- (8) The annual increase in the preliminary adjusted base amounts obtained under paragraphs (3) and (4) shall not exceed three percent. ((8) added by Act 84 of 2011)
- (c) The board of supervisors may purchase or make contracts under the act of October 27, 1979 (P.L. 241, No. 78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," if no bids are received on an item after proper notices.
- (d) The amount of the contract, whether of straight sale price, conditional sale, lease, lease purchase or otherwise, is the entire amount the township pays to the successful bidder in order to obtain the services or property, or both, and does not mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits.
- (e) The award of contracts shall only be made by public announcement at the meeting at which bids are opened by the board of supervisors, or received from the individual or committee appointed by the board of supervisors to open and read bids, or at a subsequent meeting of the board of supervisors, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the meetings are not held, the same business may be transacted at a subsequent meeting if at least five days' notice of the meeting is published in the same newspaper as the notice of bids. Bidders shall be notified and other interested parties, upon request, shall be notified of the date, time and location of the opening of bids and may be present when the bids are opened.
- (f) The board of supervisors may reject all bids received if it is believed to be in the best interest of the township, and at a public meeting the reasons for the rejection of all bids shall be announced and be noted in the minutes.
- (g) Unless covered under the bonding requirements of the act of December 20, 1967 (P.L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967," the successful bidder shall furnish a bond guaranteeing performance of the contract, in an amount as determined by the supervisors at the time of advertising for bids which shall be not less than ten percent nor more than one hundred percent of the amount of the contract, within twenty days after the contract is awarded. If the bidder fails to furnish the bond within twenty days, unless delivery is made or the entire contract is fulfilled during that time, the contract is void. Delivery, accomplishment and guarantees may be required in all cases, including the exceptions contained in this section. ((g) amended Dec. 19, 1996, P.L.1412, No. 181)
- (h) The contracts or purchases made by the board of supervisors involving payments in excess of the required advertising amount, which do not require advertising, bidding or price quotations are as follows:
- (1) Those made for emergency or routine maintenance, repairs or replacements for water, electric light and other public works of the township if they do not constitute new additions,

extensions or enlargements of existing facilities and equipment.

- (2) Those made for improvements, repairs or maintenance of any kind made or provided by any township through its own employes. All contracts or purchases of materials used for improvement, maintenance or construction are subject to the provisions contained in subsection (a) and (b). (amended by Act 84 of 2011)
- (3) Those involving any policies of insurance or surety company bonds, those made for public utility service, those made for electricity, natural gas or telecommunications service either directly or with an association authorized under article XIV in which the township is a member and those made with another municipal corporation, county, school district or municipality authority, a council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) or Federal or State Government, including the sale, leasing or loan of any supplies or materials by the Federal or State Government or their agencies. ((3) amended Act 30 of 2012 and October 11, 2000 and amended by Act 30 of 2012 P.L.535, No. 70)
 - (4) Those involving personal or professional services.
- (5) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).
- (6) Those contracts involving equipment rental with operators if more than fifty percent of the total labor personnel hours required for the completion of the contract is supplied by the township through its own employes.
- (7) Those contracts for the purchase of repair parts or materials for use in existing township equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired.
- (8) Those for used equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility.
- (9) Those where particular types, models or pieces of equipment, articles, apparatus, appliances, vehicles or parts thereof which are patented and manufactured products. ((h) amended Dec. 18, 1996, P.L.1412, No. 172)
- (i) No township official, either elected or appointed, or township employe who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for the township involving the payment by the township of more than five hundred dollars (\$500) in any year unless the contract is awarded through the public bid process. This limitation does not apply if the officer or appointee of the township is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and the officer cannot possibly be benefited thereby, either financially or otherwise. If a supervisor is within this exception, the supervisor shall so inform the board of supervisors and refrain from voting on the payments and shall in no manner participate in the contract. Any official or appointee who knowingly violates this provision is subject to surcharge to the extent of the damage shown to be sustained by the township, is ousted from office or employment and commits a misdemeanor of the third degree.
- (j) Contracts for the purchase of materials or rental of equipment for the construction, reconstruction, maintenance and improvement of roads and bridges shall be in writing and let only on standard specifications of the Department of Transportation.
- (k) Contracts for the purchase of materials or supplies may be bid on a per-unit basis.
- (I) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the act of March 3, 1978 (P.L. 6, No. 3), known as the "Steel Products Procurement Act."
- (m) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employe, and no township officer or employe shall accept, any portion of the compensation or

fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

- (1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of supervisors.
- (2) The board of supervisors must approve the sharing of any fee or compensation for personal or professional services before the performance of the services.
- (3) No fee or compensation for personal or professional services may be shared except for work actually performed.
- (4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of the commensurate for similar personal or professional services. (53 P.S. §68102)

Section 3103. Road Contracts.-The board of supervisors may make a contract for the improvement and keeping in repair of township roads. No contract shall extend over a period of more than four years. Every contractor for road work shall give bond for the amount of the contract and sign specifications furnished by the board of supervisors for the building and care of the contract roads. (53 P.S. §69103)

Section 3104. Evasion of Advertising Requirements.-(a) No supervisor shall evade the provisions of section 3101 as to advertising for bids by purchasing or contracting for services and personal properties piecemeal to obtain prices under the required advertising price. This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below the required advertising price, when the transactions involved should have been made as one transaction for one price. Any supervisors who vote in violation of this provision and who know that the transaction upon which they vote is or ought to be part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids are jointly and severally subject to surcharge for ten percent of the full amount of the contract or purchase.

(b) Any supervisor who votes to unlawfully evade the provisions of this article and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a). (53 P.S. §68104)

Section 3105. Bonds for Protection of Labor and Material Suppliers.- Before any contract exceeding five thousand dollars (\$5,000) is awarded to any prime contractor or construction manager for the construction, reconstruction, alteration or repair of any building or other public work or public improvement of the township, the contractor shall furnish to the township a payment bond for the protection of claimants supplying labor or materials to the prime contractor to whom the contract is awarded, at one hundred percent of the contract amount, conditioned for the prompt payment of all materials furnished or labor supplied or performed in the prosecution of the contract under the act of December 20, 1967 (P.L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967." (53 P.S. §68105)

Section 3106. Purchase Contracts for Supplies and Equipment; Fire Company, Et Cetera; Participation.-The board of supervisors may permit any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for supplies and equipment of the township and agreeing that it will be bound by any terms and conditions the township prescribes. (53 P.S. §68106)

Section 3107. Separate Specifications for Branches of Work.-In the preparation of specifications for the erection or alteration of any public building, when the entire cost of the work exceeds the advertising requirement price, the architect, engineer or person preparing the specifications shall prepare separate specifications for the plumbing, heating, ventilating and

electrical work, and the township shall receive separate bids upon each of those branches of work and award the contract to the lowest bidder. (53 P.S. §68107)

Section 3108. Workers' Compensation Insurance.-(a) All contracts executed by any township which involve the construction or performance of any work involving the employment of labor shall contain a provision that the contractor shall accept, and file with the township proof of compliance with or exemption from, insofar as the work covered by the contract is concerned, the act of June 2, 1915 (P.L. 736, No. 338), known as the "Workers' Compensation Act." (b) Any contract executed in violation of this section is void. (53 P.S. §68107)

Section 3109. Engineers and Architects Not to be Interested in Contracts.-(a) No architect or engineer in the employ of a township and engaged in the preparation of plans, specifications or estimates may bid on any public work at any letting of the work in the township.

- (b) An officer of a township who is charged with letting any public work may not award a contract to any architect or engineer in the employ of the township.
- (c) An architect or engineer in the employ of a township may not be interested in any contract for public work in the township or receive any remuneration or gratuity from any person interested in any contract except under section 3102(1).
- (d) Any person who violates this section commits a misdemeanor of the third degree. (53 P.S. §68108)

ARTICLE XXXII TAXATION AND FINANCE

Section 3201. Fiscal Year.-The fiscal year in townships commences on the first day of January in each year. All receipts, disbursements, contracts and purchases shall be entered as of record in the fiscal year in which made. (53 P.S. §68201)

Section 3202. Annual Budget.-(a) The board of supervisors shall annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenses of the township for the year for which the budget is prepared. A township shall not prepare and advertise notice of a proposed budget when it is knowingly inaccurate. Upon any revision of the proposed budget, if the estimated revenues or expenses in the final budget are increased more than ten percent in the aggregate or more than twenty-five percent in any major category over the proposed budget, it may not be legally adopted with those increases unless it is again advertised once, the same as the original proposed budget, and an opportunity given to taxpayers to examine the amended proposed budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item. The budget shall be prepared on a uniform form prepared and furnished under section 3203. The estimates in the budget shall specify the amount of money necessary for each governmental activity of the township for which a special tax levy may or may not be authorized and the amount of money necessary for the payment of debts and other miscellaneous purposes.

(b) Upon the preparation of the proposed budget, the board of supervisors shall give public notice by advertisement once in one newspaper of general circulation in the township that the proposed budget is available for public inspection at a designated place in the township. After the proposed budget has been available for public inspection for twenty days, the board of supervisors shall, after making revisions as are appropriate, adopt the final budget not later then the thirty-first day of December and the necessary appropriation measures required to put it into effect.

(c) The total appropriation shall not exceed the revenues estimated as available for the fiscal year.

(d) During the month of January next following any municipal election, the board of supervisors may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the township secretary of the proposed amended budget, after notice by the township secretary to that effect is published once in a newspaper of general circulation in the township, shall intervene between the adoption of the proposed amended budget and the final adoption of the amended budget. Any amended budget must be adopted by the board of supervisors on or before the fifteenth day of February. No proposed amended budget shall before final adoption be revised upward in excess of ten percent in the aggregate or in excess of twenty-five percent of the amount of any major category in the proposed amended budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item.

(e) The board of supervisors may by resolution make supplemental appropriations for any purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law. Supplemental appropriations may be made whether or not an appropriation for that purpose was included in the original budget as adopted.

(f) The board of supervisors may by resolution transfer unencumbered moneys from one township account to another, but no moneys may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers shall not be made during the first three months of the fiscal year. No moneys shall be paid out of the township treasury except upon appropriation made according to law.(3202 amended June 22, 2000, P.L.329, No.35)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not

otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 3202 are transferred to the Department of Community and Economic Development. (53 P.S. §68202)

Section 3203. Uniform Report Forms.-(a) The uniform forms for the annual financial report required to be made by the auditors shall be prepared by a committee consisting of four representatives of the State Association of Township Supervisors and one representative each from the Department of Transportation and the Department of Community and Economic Development.

- (b) Representatives of the State Association of Township Supervisors shall be appointed by the president of that organization. The representatives may be township supervisors, auditors or secretaries and should represent townships in the various population groups. The president of the State Association of Township Supervisors shall supply to the Department of Community and Economic Development the names and addresses of the representatives immediately upon their appointment.
- (c) Representatives of the townships shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee from appropriations made to the Department of Community and Economic Development. The committee shall meet at the call of the Secretary of Community and Economic Development, or an agent of the secretary, who shall chair the committee.
- (d) (Deleted by amendment)
- (e) The Department of Community and Economic Development shall prepare and furnish the forms required by this act in cooperation with the committee. If the committee fails to cooperate, the Department of Community and Economic Development shall issue the forms and distribute them annually, as needed, to the proper township officers.(3202 amended June 22, 2000, P.L.329, No. 35)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 3202 are transferred to the Department of Community and Economic Development. (53 P.S. §68203)

Section 3204. Investment of Township Funds.-(a) The board of supervisors may:

- (1) Make investment of township sinking funds as authorized by the act of July 12, 1972 (P.L. 78 1, No. 185), known as the "Local Government Unit Debt Act."
- (2) Make investment of moneys in the general fund and in special funds of the township.
- (3) Liquidate any investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the officers designated by action of the board of supervisors.
- (b) The board of supervisors shall invest township funds consistent with sound business practice.
- (c) The board of supervisors shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board of supervisors.
- (d) Authorized types of investments of township funds are:
- (1) United States Treasury bills.
- (2) Short-term obligations of the Federal Government or its agencies or instrumentalities.
- (3) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation, or their successor agencies, to the extent that the accounts are so insured and, for any amounts above the insured maximum, if approved collateral therefor is pledged by the depository.
- (4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, of the Commonwealth of Pennsylvania

or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(5) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-l et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only investments of that company are in the authorized investments for township funds listed in paragraphs (1) through (4).

- (6) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation, or their successor agencies, to the extent that the accounts are so insured. However, for any amounts above the insured maximum, the certificates of deposit shall be secured by a pledge or assignment of assets of the institution, and the collateral may include loans, including interest in pools of loans, secured by first mortgage liens on real property. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities.
- (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to fiduciaries investments). This paragraph is limited to investments for any pension or retirement fund.

(e) In making investments of township funds, the board of supervisors may:

- (1) Permit assets pledged as collateral under subsection (d)(3) to be pooled under the act of August 6, 1971 (P.L. 281, No. 72), entitled "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets."
- (2) Combine moneys from more than one fund under township control for the purchase of a single investment if each of the funds combined for the purpose is accounted for separately in all respects and the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.
- (3) Join with one or more other municipal corporations, municipality authorities or school districts under the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law, in the purchase of a single investment if the requirements of paragraph (2) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to. (53 P.S. §68204)

Section 3205. Townships and Special Tax Levies.-(a) The board of supervisors may by resolution levy taxes upon all real property within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates specified in this section. All taxes shall be collected in cash.

- (1) An annual tax not exceeding fourteen mills for general township purposes. If the board of supervisors petitions the court of common pleas for the right to levy additional millage, the court may order a greater rate than fourteen mills, but not exceeding five additional mills, to be levied.
 (2) An annual tax not exceeding five mills to light the highways, roads and other public places in the township.
- (3) An annual tax not exceeding fifty percent of the rate of assessment for the general township tax to procure land and erect public buildings thereon and for the payment of indebtedness incurred in connection therewith.
- (4) An annual tax not exceeding three mills to purchase and maintain fire apparatus and a suitable place to house fire apparatus, to make appropriations to fire companies located inside and outside the township, to make appropriations for the training of fire company personnel and for fire training schools or centers and to contract with adjacent municipal corporations or volunteer fire companies therein for fire protection.
- (i) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other

compensation of fire suppression employees of the township or a fire company serving the township.

- (ii) If an annual tax is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the township.
- (5) A tax not exceeding two mills to establish and maintain fire hydrants and fire hydrant water service.
- (6) A tax to acquire, maintain and operate parks, playgrounds, playfields, gymnasiums, swimming pools and recreation centers.
- (7) An annual tax sufficient to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).
- (8) An annual tax not exceeding one-half mill to support ambulance, rescue and other emergency services serving the township.
- (i) The township may appropriate up to one-half of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of employees of the ambulance, rescue or other emergency service.
- (ii) If an annual tax is proposed to be set higher than one-half mill, the question shall be submitted to the voters of the township.
- (9) An annual tax not exceeding five mills to create and maintain a revolving fund to be used in making permanent street, sidewalk, water supply or sewer improvements before the collection of all or part of the cost from the property owners. A revolving fund may also be used for the deposit of funds raised through the issuance of general obligation bonds of the township for the making of permanent street, sidewalk, water supply or sewer improvements. When all or part of the cost of the construction of any permanent street, sidewalk, water supply or sewer improvement is paid from the revolving fund and is later assessed and collected from the owners of the property adjoining or abutting upon the improvement, the collections shall be applied to the credit of the revolving fund to the extent of the withdrawal therefrom for that purpose.
- (10) An annual special tax not exceeding two mills to create and accumulate moneys in a road equipment fund to be used exclusively for purchasing road equipment.
- (b) When it is shown to the court that the debts due by any township exceed the amount which the board of supervisors may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of the township, may in an action of mandamus direct the board of supervisors, by special taxation, to collect an amount sufficient to pay the debts. If the amount of indebtedness is so large as to render it inadvisable to collect the entire amount in any one year, the court may direct the special taxes to be levied and collected during successive years as may be required for payment of debt.(3205 amended Dec. 1, 2004, P.L.1745, No.224) (53 P.S. §68205)

Section 3206. Procedure for Referendum on Tax Questions.-When the assent of the electors is required under this article for special tax levies, the county board of elections shall frame the question under the election laws of this Commonwealth for submission to the voters of the township at the first municipal or general election occurring not less than sixty days after submission of the question. (53 P.S. §68206)

Section 3207. Taxes for Special Districts.-This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes. (53 P.S. §68207)

Section 3208. Tax Rate to be Expressed in Dollars and Cents.-When the board of supervisors by resolution establishes the rate of taxation for any year at a mill rate, the resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars (\$100) of assessed valuation of taxable property. (53 P.S. §68208)

Section 3209. Tax Duplicates.-The board of supervisors shall require a duplicate to be made designating the amount of township tax levied against each taxpayer of the township, and also duplicates for all other taxes levied and assessed under this act, and deliver the duplicate within

thirty days after the adoption of the budget or within thirty days after receipt of the assessment roll from the county, whichever is later, to the township tax collector. (53 P.S. §67209)

Section 3210. Additions and Revisions to Duplicates.-(a) When there is any construction of a building or buildings not otherwise exempt as a dwelling after the first day of January of any year and the building is not included in the tax duplicate of the township, the authority responsible for assessments in the township shall upon the request of the board of supervisors inspect and reassess, subject to the right of appeal and adjustment by the State law under which assessments are made, all taxable property in the township to which major improvements have been made after the first day of January of any year and to give notice of the reassessments within ten days to the authority responsible for assessments, the township and the property owner. The property shall be added to the duplicate and is taxable for township purposes at the reassessed valuation for that proportionate part of the fiscal year of the township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first day of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of supervisors to the township tax collector, together with its warrant for collection of the taxes, and within ten days the township tax collector shall notify the owner of the property of the taxes due in the township.

(b) When an assessment is made for a portion of a year, the assessment shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in that duplicate. (3210 Amended by Act 166 of 2006) (53 P.S. §68210)

ARTICLE XXXIII COLLECTION OF ASSESSMENTS

Section 3301. Assessments Collected by Tax Collector .- (a) When any assessment for streetlights, fire hydrant service, police protection or other service is implemented by the board of supervisors and charged to the tax collector for collection, assessments for the service shall be filed with the township tax collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing notice to the owner of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Assessments, when collected, shall be paid over to the township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

(b) When any assessment for refuse collection in special districts or other service is charged against the owners, occupants or tenants of property within the township, the collection of which is charged to the tax collector, the assessments for the service shall be filed with the tax collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing to the owner, occupant or tenant of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by action in assumpsit for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due and all costs incurred in the collection of the assessment. Assessments, when collected, shall be paid over to the township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township. (53 P.S. §68301)

Section 3302. Assessments Collected by Township Treasurer.-(a) When any assessment for construction, maintenance and repair of street, sewer, water, sidewalks, curbs or other service is implemented by the board of supervisors, the collection of which is not charged to the tax collector, the assessments for the service shall be filed with the township treasurer. The township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and shall be served by mailing it to the owner of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Upon receipt of payment of assessments, the township treasurer shall deposit the assessments in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

(b) When any assessment for refuse collection or other service is charged against the owners, occupants or tenants of property within the township, the collection of which is not charged to the tax collector, the assessments shall be filed with the township treasurer. The township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing it to the owner, occupant or tenant of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned

over to the township solicitor for collection by action in assumpsit for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due and all costs incurred in the collection of the assessment. Upon receipt of the assessments, the township treasurer shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township. (53 P.S. §68302)

Section 3303. Installment Payments.-(a) When any township authorizes the construction or acquisition of any sanitary sewer or system of sanitary sewers, or the improvement of any street or portion thereof, or the installation of curbing or sidewalks, or a water supply or water systems, and all or part of the cost is assessed against the properties benefited, improved or accommodated by the sewer or system of sewers, or curbing or sidewalks, or water supply, or abutting upon the street or portion thereof, the board of supervisors may authorize the payment of the assessment in equal annual or more frequent installments. The ordinance shall specify the length of time over which the installments may be extended and whether payments are to be made by annual or more frequent installments. Installments shall bear interest at a rate not to exceed six percent or a higher amount equal to the amount of interest on the indebtedness, if any, commencing at the time established by ordinance. If bonds have been issued and sold to provide for the payment of any street improvement, the assessments shall not be payable beyond the term for which the bonds are issued, and the expenses for the improvements and interest thereon to the first day when interest is payable on the bonds shall be taken as the cost of the improvement to be assessed on the property benefited.

- (b) Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the same form and shall be collected in the same manner as municipal claims are filed and collected.
- (c) Assessments are payable to the township treasurer in quarterly, semi-annual or annual installments, with interest from the date from which interest is computed on the amount of the assessments.
- (d) If there is a default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall become due, and the township solicitor shall proceed to collect the assessment under the general laws relating to the collection of municipal claims.
- (e) Any owner of property against whom any assessment is made may pay the assessment in full, at any time, with interest and costs thereon to the due date of the next installment, and that payment shall discharge the lien. (53 P.S. §68303)

ARTICLE XXXIV EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS

Section 3401. Scope of Article.-When the right of eminent domain or the ascertainment and assessment of damages and benefits in viewer proceedings is exercised by a township, the proceeding shall be as set forth in this article. In addition to any of the provisions of this act, all eminent domain proceedings shall conform to the act of June 22, 1964 (Sp.Sess., P.L. 84, No. 6), known as the "Eminent Domain Code." (53 P.S. §68401)

Section 3402. Restrictions as to Certain Property.-(a) In addition to the restrictions made by other provisions of this act in particular cases, no township shall, except as provided in subsection (b), exercise the right of eminent domain against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States; or against the land occupied by any fort, redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-Chief of the Continental Army; or against the site of any building, fort, redoubt, blockhouse or headquarters, which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period is taken as ended on September 3, 1783.

- (b) The restriction on eminent domain provided in subsection (a) shall not apply:
- (1) if a township in a county of the second class A obtains a statement from the Pennsylvania Historical and Museum Commission or the historical society of the county where the land is situate certifying that the building or other structure, the existence of which would otherwise restrict the township from exercising the right of eminent domain, is not being maintained in a manner appropriate to an historical structure; and
- (2) if the purpose of the acquisition of the land and structures by a township in a county of the second class A is to ensure the preservation and maintenance of the historical site and structure sought to be protected by subsection (a). (53 P.S. §68402)

Section 3403. Value of Land or Property Not to be Assessed as Benefits.-In the appropriation of land or property for public use, other than for roads, it is not lawful to assess any portion of the damage done to or value of the land or property so appropriated against the other property adjoining or in the vicinity of the land or property so appropriated. (53 P.S. §68403)

Section 3404. Title Acquired.-When land or property is taken under eminent domain proceedings, other than for road purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township is in fee simple. In particular instances, a different title may by agreement be acquired. (53 P.S. §68404)

Section 3405. Assessment of Damages and Benefits.-The damages may be paid in whole or in part by the township or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the findings to the court. The total assessment for benefits shall not exceed the total damages awarded or agreed upon. (53 P.S. §68405)

Section 3406. Assessment Awards.-In proceedings to assess damages and benefits, if the land or property is both benefited and damaged by the improvements, the excess of damages over benefits or the excess of benefits over damages, or nothing if the benefits and damages are equal, shall be awarded to or assessed against the owner of land or property affected thereby. (53 P.S. §68406)

Section 3407. Assessments to Bear Interest.-All assessments for benefits and costs shall bear interest at six percent annually from the expiration of thirty days after they have been finally ascertained and shall be payable to the township treasurer. (53 P.S. §68407)

ARTICLE XXXV VIOLATION OF ACT GENERALLY

Section 3501. Violation of Act Generally; Penalty.-Any township supervisor, elected or appointed township official or employe, roadmaster or contractor or any other person, including any corporation officer or employe, who violates any of the provisions of this act, other than those for which specific penalties are provided, or who fails to carry out the provisions of this act commits a summary offense. All fines collected for violation of this act shall be paid to the township treasurer and credited to the general township fund. (53 P.S. §68501)

ARTICLE XXXVI ACTIONS BY TOWNSHIPS

Section 3601. Recovery of Municipal Claims.-(a) In addition to the remedies under law for the filing of liens for the collection of municipal claims, a township may proceed for the recovery and collection of any municipal claim by action of assumpsit against the person who was the owner of the property when the improvement was completed, even if there was a failure on the part of the township or its agents to enter the municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought.

(b) Any action in assumpsit shall be commenced within three years after the completion of the improvement from which the claim arises. (53 P.S. §68601)

ARTICLE XXXVII REPEALS

Section 3701. Repeals.-{a} Nothing contained in this act revives any act, or part of any act, repealed by the act reenacted, amended or revised by this act.

(b) The following additional acts or parts of acts are hereby repealed as respectively indicated:

Act of May 1, 1913 (P.L. 155, No. 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," insofar as it relates to townships of the second class.

Act of May 10, 1923 (P.L. 198, No. 144), entitled "An act authorizing courts of quarter sessions to commit the care of certain burial grounds to the councils of boroughs, township commissioners and township supervisors of townships; and requiring boroughs and townships to pay the expenses in connection therewith," insofar as it relates to townships of the second class.

Act of June 22, 1931 (P.L. 844, No. 274), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," insofar as it relates to townships of the second class.

Act of May 1, 1935 (P.L. 124, No. 47), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," insofar as it relates to townships of the second class.

Act of July 18, 1935 (P.L. I173, No. 382), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," insofar as it relates to townships of the second class.

Act of March 16, 1937 (P.L. 98, No. 26), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," insofar as it relates to townships of the second class.

(c) All other acts and parts of acts inconsistent with this act are repealed.

(d) This act does not repeal or modify any of the provisions of 66 Pa. C.S. (relating to public utilities); nor any local or special law; nor any law relating to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; nor the provisions of any law the enforcement of which is vested in the Department of Health or the Department of Environmental Resources; nor does this act repeal or modify any of the provisions of any statute amendatory of law in force at the time of the passage of this act or otherwise enacted at the session of the General Assembly of 1995, whether the acts were adopted before the passage of this act or after the passage of this act; nor does this act repeal any act, or part thereof, in force at the time of the passage of this act which is amended by any statute enacted at the session of the General Assembly of 1995, shall be retroactive to November 1, 1994. (53 P.S. §68701)

Exhibit 2

HOME RULE CHARTER AND OPTIONAL PLANS LAW

Includes amendments through November 30, 2004 of the Home Rule Charter and amendments through December 19, 1996.

Also included is information for the action to establish and information concerning how the Study Commission operates.

This is a partial version of the Home Rule Charter and Optional Plans Law. The full version can be found at:

www.celdf.org (click on Home Rule Charter and Optional Plans Law)



Home Rule and Optional Plans Law

Home Rule and Optional Plan Government

53 Pa. C.S. Chapters 29 (Home Rule), 30 (Optional Plans) & 31 (Optional Plans) Includes all amendments through the act of November 30, 2004, P.L. 1618, No. 207

Home Rule and Optional Plans Law

Home Rule and Optional Plan Government

53 Pa. C.S. Chapters 29 (Home Rule), 30 (Optional Plans) & 31 (Optional Plans)

Includes all amendments through the act of November 30, 2004, P.L. 1618, No. 207

The act contained herein is believed to be correct and to contain all amendments to the act through the most recent amendatory act listed above. However, there is no guarantee, express or implied, as to accuracy of the information contained herein. The Department of Community and Economic Development assumes no responsibility for errors and omissions nor any liability for damages resulting from the use of the information contained herein. In addition, the Department of Community and Economic Development assumes no obligation to provide updates if such acts are updated, revised or repealed.

CHAPTER 29 GENERAL PROVISIONS

Subchapter

- A. Preliminary Provisions
- B. Procedure for Adoption of Home Rule Charter or Optional Plan of Government
- C. Amendment of Existing Charter or Optional Plan
- D. Conduct of Election
- E. General Powers and Limitations of Home Rule Charter Municipalities
- F. General Provisions and Limitations for Optional Plan Municipalities
- G. Miscellaneous Provisions

Enactment. Chapter 29 was added December 19, 1996, P.L.1158, No.177, effective in 60 days.

SUBCHAPTER A PRELIMINARY PROVISIONS

Sec.

2901. Short title and scope of subpart.

2902. Definitions.

§ 2901. Short title and scope of subpart.

- (a) Short title of subpart.—This subpart shall be known and may be cited as the Home Rule Charter and Optional Plans Law.
- (b) Scope of subpart.—This subpart applies to all municipalities except cities of the first class and counties of the first class.

§ 2902. Definitions.

Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Council." County commissioner, city council, borough council, town council, township commissioner in a township of the first class and supervisor in a township of the second class.

- "Election officials." The county boards of elections.
- "Electors." The registered voters of any municipality involved in proceedings relating to the adoption and repeal of optional forms of government.
- "Governing body." Board of county commissioners, city council, borough or incorporated town council, commissioners of a township of the first class and supervisors of a township of the second class or their successor forms of government.
- "Government study commission" or "commission." The body elected under the provisions of Subchapter B (relating to procedure for adoption of home rule charter or optional plan of government).
- "Home rule charter." A written document defining the powers, structure, privileges, rights and duties of the municipal government and limitations thereon. The charter shall also provide for the composition and election of the governing body, which in all cases shall be chosen by popular elections.
- "Local municipality." Municipal corporation except a city of the first class.
- "Nonresident." Any person or entity not a resident within the meaning of this subpart.
- "Optional forms." Includes home rule charters and optional plans.
- "Optional plans." Optional municipal powers, procedures and administrative structures as provided by this subpart.
- "Rate of taxation." The amount of tax levied by a municipality on a permissible subject of taxation.
- "Resident." Any person or other entity living in or maintaining a permanent or fixed place of abode in a municipality or conducting or engaging in a business for profit within a municipality.
- "Subject of taxation." Any person, business, corporation, partnership, entity, real property, tangible or intangible personal property, property interest, transaction, occurrence, privilege, transfer, occupation or any other levy which is determined to be taxable by the General Assembly. The term shall not be construed to mean the rate of tax which may be imposed on a permissible subject of taxation.

SUBCHAPTER B PROCEDURE FOR ADOPTION OF HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT

Sec.

- Submission of question for election of government study commission. 2911.
- Election of members of commission. 2912.
- Nomination of candidates. 2913.
- Results of election. 2914.
- Oath of office of members of commission. 2915.
- First meeting of commission. 2916.
- Vacancies. 2917.
- Function and duty of commission. 2918.
- Compensation and personnel. 2919.

- 2920. Hearings and public forums.
- 2921. Report of findings and recommendations.
- 2922. Discharge of petition and amended reports.
- 2923. Types of action recommended.
- 2924. Specificity of recommendations.
- 2925. Form of question on form of government.
- 2926. Submission of question on form of government.
- Limitation on enactment of ordinance or filing of petition.
- 2928. Time when change of form of government takes effect.
- 2929. Limitation on changing new form of government.
- 2930. Status of forms of government provided in subpart.

Cross References. Subchapter B is referred to in sections 2902, 3094, 3171 of this title.

§ 2911. Submission of question for election of government study commission.

- (a) General rule.--Whenever authorized by ordinance of the governing body or upon petition of the electors to the county board of electors of the county wherein the municipality is located, an election shall be held upon one of the following questions:
 - Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of an optional form of government and to recommend whether or not an optional plan of government should be adopted?
 - Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of a home rule charter and, if advisable, to draft and to recommend a home rule charter?
 - Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of an optional form of government or a home rule charter, to recommend the adoption of an optional form of government or to draft and recommend a home rule charter?
- (b) Petition for election.—The petition calling for the election shall be in the form required by subsection (e) and shall be signed by electors comprising 5% of the number of electors voting for the office of Governor in the last gubernatorial general election.
- (c) Ordinance authorizing election.--Within five days after the final enactment of an ordinance authorizing the election, the municipal clerk or secretary shall file a certified copy of the ordinance with the county board of elections, together with a copy of the question to be submitted to the electors.
- (d) Duty of election board.—At the next general or municipal or primary election occurring not less than the 13th Tuesday after the filing of the ordinance or the petition with the county board of elections, it shall cause the appropriate question to be submitted to the electors as other questions are submitted under the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.
- (e) Requirements for petitions.—A referendum petition under this section shall be filed not later than the 13th Tuesday prior to the election, and the petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of

nomination petitions insofar as those provisions are applicable. No referendum petition may be signed or circulated prior to the 20th Tuesday before the election nor later than the 13th Tuesday before the election. No candidate's nomination petition may be signed or circulated prior to the 13th Tuesday before the election nor later than the tenth Tuesday before the election. Any petition under this section shall be filed on or before the tenth Tuesday before the election.

Cross References. Section 2911 is referred to in sections 2923, 2927 of this title.

§ 2912. Election of members of commission.

- General rule.-- A governmental study commission of seven, nine or eleven members, as designated in the question, shall be elected by the qualified voters at the same election the question is submitted to the electors.
- Nomination of candidates .-- Each candidate for the office of member of the commission shall be nominated and placed upon the ballot containing the question in the manner provided by and subject to the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, which relate to the nomination of a candidate nominated by nomination papers filed for other offices elective by the voters. Each candidate shall be nominated and listed without any political designation or slogan, and no nomination paper shall be signed or circulated prior to the 13th Tuesday before the election nor later than the tenth Tuesday before the election. No signature shall be counted unless it bears a date within this period.
- Instructions to electors .-- Each elector shall be instructed to vote on the question and, regardless of the manner of his vote on the question, to vote for the designated number of members of a government study commission who shall serve if the question is or has been determined in the affirmative.
- Insufficient number of candidates or members .-- If an insufficient number of nominating papers is filed to fill all of the designated positions on the study commission, the question of establishing a commission shall be placed on the ballot, and, unless a sufficient number of study commission members are elected by receiving at least as many votes as signatures are required to file a nominating position, then the question of creating a study commission shall be deemed to have been rejected.

§ 2913. Nomination of candidates.

- General rule.--All candidates for the government study commission shall be electors. Each candidate shall be nominated by nomination papers signed by a number of electors equal at least to 2% of the number of electors voting for the office of Governor in the last gubernatorial general election or 200 electors, whichever is less, and filed with the county board of elections not later than the tenth Tuesday prior to the date of the election.
- Content and signing of nomination papers .-- Each nomination paper shall set forth the name, place of residence and post office address of the candidate thereby nominated, that the nomination is for the office of government study commissioner and that the signers are legally qualified to vote for the candidate. An elector may not sign nomination papers for more candidates for the commission than he could vote for at the election. Every elector signing a nomination paper shall write his place of residence, post office address and street number, if any, on the petition.
- Acceptance by candidate.--Each nomination paper shall, before it may be filed with the county board of elections, contain under oath of the candidate an acceptance of the nomination in writing, signed by the candidate therein nominated, upon or annexed to the paper, or, if the same person be named in more than one paper, upon or annexed to one of the papers. The acceptance shall certify that the candidate is an elector, that the nominee consents to run as a candidate at the election and that, if elected, the candidate agrees to take office and serve.

(d) Verification of nomination papers.—Each nomination paper shall be verified by an oath of one or more of the signers, taken and subscribed before a person qualified under the laws of this Commonwealth to administer an oath, to the effect that the paper was signed by each of the signers in his proper handwriting, that the signers are, to the best knowledge and belief of the affiant, electors and that the nomination paper is prepared and filed in good faith for the sole purpose of endorsing the person named therein for election as stated in the paper.

§ 2914. Results of election.

The result of the votes cast for and against the question as to the election of a government study commission shall be returned by the election officers, and a canvass of the election had, as is provided by law in the case of other public questions put to the electors. The votes cast for members of the commission shall be counted and the result returned by the county board of electors, and a canvass of the election had, as is provided by law in the case of election of members of municipal councils or boards. The designated number of candidates receiving the greatest number of votes shall be elected and shall constitute the commission. If a majority of those voting on the question vote against the election of a commission, none of the candidates shall be elected. If two or more candidates for the last seat shall be equal in number of votes, they shall draw lots to determine which one shall be elected.

§ 2915. Oath of office of members of commission.

- (a) Members elected on countywide basis.—As soon as possible and in any event no later than ten days after its certification of election, the members of a government study commission elected on a countywide basis shall, before a judge of a court of common pleas, make oath to support the Constitution of the United States and the Constitution of Pennsylvania and to perform the duties of the office with fidelity.
- (b) Other members.—As soon as possible and in any event no later than ten days after its certification of election, the members of a government study commission elected on other than a countywide basis shall, before a magisterial district judge or a justice of the peace, make oath to support the Constitution of the United States and the Constitution of Pennsylvania and to perform the duties of the office with fidelity.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

§ 2916. First meeting of commission.

- (a) Procedure.—As soon as possible and in any event no later than 15 days after its certification of election, the government study commission shall organize and hold its first meeting and elect one of its members chairman and another member vice chairman, fix its hours and place of meeting and adopt rules for the conduct of its business it deems necessary and advisable.
- (b) Quorum.--A majority of the members of the commission shall constitute a quorum for the transaction of business, but no recommendation of the commission shall have any legal effect unless adopted by a majority of the whole number of the members of the commission.

§ 2917. Vacancies.

In case of a vacancy in the government study commission, the remaining members of the commission shall fill it by appointing thereto some other properly qualified elector.

§ 2918. Function and duty of commission.

The government study commission shall study the form of government of the municipality to compare it with other available forms under the laws of this Commonwealth and determine whether or not in its judgment the

government could be strengthened or made more clearly responsible or accountable to the people or whether its operation could become more economical or efficient under a changed form of government.

§ 2919. Compensation and personnel.

- Compensation and expenses of members.--Members of the government study commission shall serve without compensation, but shall be reimbursed by the municipality for their necessary expenses incurred in the performance of their duties. Council shall appropriate moneys necessary for this purpose.
- Appointment and compensation of personnel.--Within the limits of the appropriations and other public and privately contributed funds and services made available to it, the commission may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the commission and may fix reasonable compensation therefor to be paid the consultants and clerical and other assistants.

§ 2920. Hearings and public forums.

The government study commission shall hold one or more public hearings, may hold private hearings and sponsor public forums and generally shall provide for the widest possible public information and discussion respecting the purposes and progress of its work.

§ 2921. Report of findings and recommendations.

- General rule.--The government study commission shall report its findings and recommendations to the citizens of the municipality within nine months from the date of its election except that it shall be permitted an additional nine months if it elects to prepare and submit a proposed home rule charter and an additional two months if it chooses to elect its municipal council by districts. It shall publish or cause to be published sufficient copies of its final report for public study and information and shall deliver to the municipal clerk or secretary sufficient copies of the report to supply it to any interested citizen upon request. If the commission recommends the adoption of a home rule charter or any of the optional plans of government as authorized in this subpart, the report shall contain the complete plans as recommended.
- List of resources used .-- There shall be attached to each copy of the report of the commission, as a part thereof, a statement sworn to by the members of the commission listing in detail the funds, goods, materials and services, both public and private, used by the commission in the performance of its work and the preparation and filing of the report. In addition, the list shall identify specifically the supplier of each item thereon.
- Filing copy with Department of Community and Economic Development.-A copy of the final report of the commission with its findings and recommendations shall be filed with the Department of Community and Economic Development.
- Disposition of records.--All the records, reports, tapes, minutes of meetings and written discussions of the commission shall, upon its discharge, be turned over to the municipal clerk or secretary for permanent safekeeping and made available for public inspection at any time during regular business hours.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

1998 Amendment. Act 50 amended subsec. (c).

Cross References. Section 2921 is referred to in section 2922 of this title.

§ 2922. Discharge of petition and amended reports.

- (a) General rule.--The government study commission shall be discharged upon the filing of its report, but, if the commission's recommendations require further procedure in the form of a referendum on the part of the electors, the commission shall not be discharged until the procedure has been finally concluded. At any time prior to 60 days before the date of the referendum, the commission may modify or change any recommendation set forth in the final report by publishing an amended report.
- (b) Effect of amended report.—Whenever a commission issues an amended report pursuant to subsection (a), the amended report shall supersede the final report and the final report shall cease to have any legal effect.
- (c) Procedure under amended report.—The procedure to be taken under the amended report shall be governed by the provisions of this subpart applicable to the final report of a commission submitted pursuant to section 2921 (relating to report of findings and recommendations).

§ 2923. Types of action recommended.

The government study commission shall report and recommend in accordance with the question presented to the electorate as provided in section 2911 (relating to submission of question for election of government study commission):

- (1) That a referendum shall be held to submit to the electors the question of adopting one of the optional plans of government authorized by this subpart to be specified by the commission.
- (2) That a referendum shall be held to submit to the electors the question of adopting a home rule charter as prepared by the commission and as authorized by this subpart.
- (3) That the form of government shall remain unchanged.
- (4) Such other action as it deems advisable consistent with its functions as set forth in this subpart.

§ 2924. Specificity of recommendations.

- (a) Optional plan of government.--
 - (1) If the government study commission report recommends the adoption or the amendment of any of the optional plans of government set forth in this subpart, except the optional county plan, the report of the commission may specify the following:
 - (i) That the municipal council shall consist of three, five, seven or nine members, except that under the small municipality plan and under the optional county plan the number of council members shall be as provided in sections 3073 (relating to election of council members) and 3092 (relating to county officers).
 - (ii) That the office of treasurer shall be omitted or that it shall be filled by election by the electors rather than by appointment.
 - (iii) That the office of controller shall be omitted or that it shall be filled by election by the electors rather than by appointment.
 - (2) If a commission report, initiative petition or ordinance shall recommend any optional plan, except for the optional county plan, it may specify that the then existing basis for electing council members shall be changed to an at-large or district or combination at-large and district basis.
 - (3) If a commission report, initiative petition or ordinance recommends the adoption of the council-manager form of government, it may specify that the mayor or president of council or chairman be elected directly by the electors rather than by council.

- If a commission report, initiative petition or ordinance for a county recommends the adoption of (4) any of the optional plans, except the optional county plan, it may specify that the sheriff be elected directly by the voters of the county as provided in section 3094 (relating to additional options for election of county sheriff).
- In all cases, except for the council-manager plan, the commission report, initiative petition or ordinance shall specify whether the executive (mayor) shall be called "executive" or "mayor." (5)
- Home rule charter .-- If the commission recommends the adoption of a home rule charter, it shall specify the number to be on the municipal council, all offices to be filled by election and whether elections shall be on an at-large, district or combination district and at-large basis.
- Elections in new or revised districts.-Notwithstanding any other provisions of this subpart, if an approved home rule charter or optional plan of government or other form of government adopted pursuant to the provisions of this subpart specifies that the election of the municipal council shall be on an at-large or district or combination district and at-large basis and the basis recommended differs from the existing basis and therefore requires eliminating districts or establishing revised or new districts, then election of municipal officials shall not take place on the new basis until the municipal election following the next primary election taking place more than 180 days after the election at which the referendum on the question of a new form of government has been approved by the electorate. The new form of government shall not go into effect until the first Monday in January following the election of municipal officials on the new basis. New or revised districts shall be established by the government study commission and included in the proposed charter.

Cross References. Section 2924 is referred to in sections 2942, 3004, 3052, 3054, 3056, 3073, 3161 of this title.

§ 2925. Form of question on form of government.

The question to be submitted to the voters for the adoption of a home rule charter or any of the optional plans of government authorized by this subpart shall be submitted in one of the following forms or such part of them as shall be applicable.

Shall the Home Rule Charter contained in the report, dated (insert date), of the government study commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the (insert type and name of municipality)?

Shall (insert name of plan), including recommendations pertaining to optional provisions contained in the report of the government study commission, dated (insert date), as authorized by the Home Rule Charter and Optional Plans Law, be adopted by the (insert type and name of municipality)?

Shall the (Home Rule Charter) (Optional Plan) of the (insert type and name of municipality) be repealed and the form of government recommended in the report of the government study commission, dated (insert date), be adopted as authorized by the Home Rule Charter and Optional Plans Law?

Shall an Optional Plan for the (insert type and name of municipality) be amended as specified in the report of the government study commission filed with the election officials of the County of (insert name of county), on (insert date), as authorized by the Home Rule Charter and Optional Plans Law?

Cross References. Section 2925 is referred to in section 2926 of this title.

§ 2926. Submission of question on form of government.

If the government study commission recommends that the question of adopting a home rule charter or one of the optional plans of government authorized by this subpart shall be submitted to the electors, the municipal

clerk or secretary shall, within five days thereafter, certify a copy of the commission's report to the county board of elections, which shall cause the question of adoption or rejection to be placed upon the ballot or voting machines at the time as the commission specifies in its report. The commission may cause the question to be submitted to the electors at the next primary, municipal or general election occurring not less than 60 days following the filing of a copy of the commission's report with the county board of elections, at the time the commission's report directs. At the election, the question of adopting that form of government recommended by the commission shall be submitted to the electors by the county board of elections in the same manner as other questions are submitted to the electors under the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The commission shall frame the question to be placed upon the ballot as provided for in section 2925 (relating to form of question on form of government) and, if it deems appropriate, an interpretative statement to accompany the question.

§ 2927. Limitation on enactment of ordinance or filing of petition.

- (a) General rule.—An ordinance may not be passed and a petition may not be filed for the election of a government study commission pursuant to section 2911 (relating to submission of question for election of government study commission) while proceedings are pending under any other petition or ordinance filed or passed under the authority of this subpart nor on the same question if it has been defeated within four years after an election has been held pursuant to any such ordinance or petition passed or filed.
- (b) Time for commencement of proceedings.—For the purpose of this section, proceedings shall be considered as having started:
 - In the case of an ordinance, upon the final vote of council in favor of the ordinance, notwithstanding the fact that the ordinance cannot take effect until a certain number of days thereafter.
 - (2) In the case of a petition, as soon as it is properly signed by one-third of the number of registered voters required for the petition and written notice thereof filed in the office of the county board of elections and in the office of the municipal clerk or secretary, who shall cause the notice to be immediately posted in a conspicuous place in the office, open to public inspection.

§ 2928. Time when change of form of government takes effect.

Whenever the electors by a majority of those voting on the question vote in favor of adopting a change in their form of government pursuant to this subpart, the proposed form shall take effect according to its terms and the provisions of this subpart.

§ 2929. Limitation on changing new form of government.

The voters of any municipality which has adopted a home rule charter or an optional plan of government pursuant to this subpart may not vote on the question of changing the form of government until five years after the home rule charter or optional plan became effective.

§ 2930. Status of forms of government provided in subpart.

For the purposes of this subpart, each of the optional forms of government provided by this subpart and each of those optional forms as modified by any available provisions concerning size of council, election of municipal officials and the basis for electing councilmen is hereby declared to be a complete and separate form of government provided by the General Assembly for submission to the electors.

SUBCHAPTER C AMENDMENT OF EXISTING CHARTER OR OPTIONAL PLAN

Sec.

- 2941. Procedure for amendment of charter or optional plan.
- 2942. Initiation of amendment by electors or council.
- Petition for referendum or ordinance proposing amendment.
- 2944. Time and manner of submission of question.

§ 2941. Procedure for amendment of charter or optional plan.

- (a) Procedure.—The procedure for amending a home rule charter or optional plan of government shall be through the initiative procedure and referendum or ordinance of the governing body as provided for in this subpart.
- (b) Changes in method of election.--Changes in the method of election of a municipal governing body from at-large elections to elections by district, maintain at-large elections or a combination of at-large elections and elections by district may be implemented by amending a home rule charter or optional plan without creation of a government study commission.
- (c) Conflict in the question.—If two or more questions appear on the ballot at the same election and such questions are in conflict and more than one receives the approval of the voters, the question which receives the largest number of affirmative votes shall prevail over the others.
- Initial apportionment.—If the referendum on the question results in the approval by the voters to amend the home rule charter or optional plan to provide for the election of the governing body either by districts or partially by districts and partially at large or in a change in the number of members of the governing body, the initial apportionment of the districts shall be made by an apportionment commission consisting of seven members, all of whom shall reside in such municipality. Two members of the apportionment commission shall be appointed by the mayor. Two members of the apportionment commission shall be appointed by the governing body, one shall be appointed by the mayor from a list of at least three qualified persons recommended by the municipal committee of the political party whose mayoral candidate received the highest number of votes cast in the most recent mayoral election and one shall be appointed by the mayor from a list of at least three qualified persons recommended by the municipal committee of the political party whose mayoral candidate received the second highest votes in the most recent mayoral election. The seventh member of the commission shall be elected at large by a majority vote of the other six members and shall serve as chairman of the commission.

§ 2942. Initiation of amendment by electors or council.

A referendum on the question of amendment of a home rule charter or an optional plan of government may be initiated by petition of the electors or such a referendum may be initiated by an ordinance of the governing body. A proposal for amendment of an optional plan shall be limited to the additional options provided for in section 2924 (relating to specificity of recommendations).

Cross References. Section 2942 is referred to in sections 3004, 3054, 3056, 3073, 3094, 3163, 3171 of this title.

§ 2943. Petition for referendum or ordinance proposing amendment.

(a) Filing.—A petition containing a proposal for referendum on the question of amending a home rule charter or an optional plan of government signed by electors comprising 10% of the number of electors voting for the office of Governor in the last gubernatorial general election in the municipality or an ordinance of the municipal governing body proposing amendment of a home rule charter or an optional plan shall be filed with the election officials not later than the 13th Tuesday prior to the next primary, municipal or general election. The petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions insofar as such provisions are applicable, except that no referendum petition shall be signed or circulated prior to the 20th Tuesday before the election nor later than the 13th Tuesday before the election. The name and address of the person filing the petition shall be clearly stated on the petition.

(b) Review and disposition of petition.--The election officials shall review the initiative petition as to the number and qualifications of signers. If the petition appears to be defective, the election officials shall immediately notify the persons filing the petition of the defect. When the election officials find that the petition as submitted is in proper order, they shall send copies of the initiative petition without signatures thereon to the governing body and to the Department of Community and Economic Development. The initiative petition as submitted to the election officials, along with a list of signatories, shall be open to inspection in the office of the election officials.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

1998 Amendment. Act 50 amended subsec. (b).

Cross References. Section 2943 is referred to in sections 3004, 3054, 3056, 3073, 3094, 3163, 3171 of this title.

§ 2944. Time and manner of submission of question.

A referendum on the question of the amendment of a home rule charter or an optional plan of government shall be held when the election officials find that the initiative petition or ordinance of the governing body is in proper order. The referendum shall be governed by the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The election officials shall cause the question to be submitted to the electors at the next primary, general or municipal election occurring not less than the 13th Tuesday following the filing of the initiative petition or ordinance with county board of elections. At the election, the question shall be submitted to the voters in the same manner as other questions are submitted under the Pennsylvania Election Code. The county board of elections shall frame the question to be placed upon the ballot.

Cross References. Section 2944 is referred to in sections 3004, 3054, 3056, 3073, 3094, 3163, 3171 of this title.

SUBCHAPTER D CONDUCT OF ELECTION

Sec.

Conduct and results of election.

2952. Notice of election.

§ 2951. Conduct and results of election.

All elections provided for in this subpart shall be conducted by the election officials for such municipality in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The election officials shall count the votes cast and make return thereof to the county board of elections. The results of the election shall be computed by the county board of elections in the same manner as is provided by law for the computation of similar returns. Certificates of the results of the election shall be filed by the county board of elections with the municipal council or board, the Department of State and the Department of Community and Economic Development.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

§ 2952. Notice of election.

At least 30 days' notice of each election provided for under this subpart shall be given by the clerk or secretary of the municipality. A copy of the notice shall be posted at each polling place on the day of the election and shall be published in at least one newspaper of general circulation in the municipality once a week for three consecutive weeks during the period of 30 days prior to the election.

SUBCHAPTER E GENERAL POWERS AND LIMITATIONS OF HOME RULE CHARTER MUNICIPALITIES

Sec.

- Scope of powers of home rule. 2961.
- Limitation on municipal powers. 2962.
- Exercise of municipal powers by home rule county. 2963.
- General powers of municipalities. 2964.
- Recording and filing of charter. 2965.
- Continuation of office of existing elective officials. 2966.
- Repeal of home rule charter. 2967.

§ 2961. Scope of powers of home rule.

A municipality which has adopted a home rule charter may exercise any powers and perform any function not denied by the Constitution of Pennsylvania, by statute or by its home rule charter. All grants of municipal power to municipalities governed by a home rule charter under this subchapter, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the municipality.

§ 2962. Limitation on municipal powers.

- Powers granted by statute .-- With respect to the following subjects, the home rule charter shall not give any power or authority to the municipality contrary to or in limitation or enlargement of powers granted by statutes which are applicable to a class or classes of municipalities:
 - The filing and collection of municipal tax claims or liens and the sale of real or personal property in satisfaction of them.
 - The procedures in the exercise of the powers of eminent domain and the assessment of damages (2)and benefits for property taken, injured or destroyed.
 - Boundary changes. (3)
 - Regulation of public schools. (4)
 - The registration of electors and the conduct of elections. (5)
 - The fixing of subjects of taxation. (6)
 - The fixing of the rates of nonproperty or personal taxes levied upon nonresidents. (7)
 - The assessment of real or personal property and persons for taxation purposes. (8)
 - Defining or providing for the punishment of any felony or misdemeanor. (9)
 - Municipal planning under the act of July 31, 1968 (P.L.805, No.247), known as the (10)Pennsylvania Municipalities Planning Code.

- (b) Taxing power.—Unless prohibited by the Constitution of Pennsylvania, the provisions of this subpart or any other statute or its home rule charter, a municipality which has adopted a home rule charter shall have the power and authority to enact and enforce local tax ordinances upon any subject of taxation granted by statute to the class of municipality of which it would be a member but for the adoption of a home rule charter at any rate of taxation determined by the governing body. No home rule municipality shall establish or levy a rate of taxation upon nonresidents which is greater than the rate which a municipality would have been authorized to levy on nonresidents but for the adoption of a home rule charter. The governing body shall not be subject to any limitation on the rates of taxation imposed upon residents.
- (c) Prohibited powers .-- A municipality shall not:
 - (1) Engage in any proprietary or private business except as authorized by statute.
 - (2) Exercise powers contrary to or in limitation or enlargement of powers granted by statutes which are applicable in every part of this Commonwealth.
 - (3) Be authorized to diminish the rights or privileges of any former municipal employee entitled to benefits or any present municipal employee in his pension or retirement system.
 - (4) Enact or promulgate any ordinance or regulation with respect to definitions, sanitation, safety, health, standards of identity or labeling pertaining to the manufacture, processing, storage, distribution and sale of any foods, goods or services subject to any Commonwealth statutes and regulations unless the municipal ordinance or regulation is uniform in all respects with the Commonwealth statutes and regulations thereunder. This paragraph does not affect the power of any municipality to enact and enforce ordinances relating to building codes or any other safety, sanitation or health regulation pertaining thereto.
 - (5) Enact any provision inconsistent with any statute heretofore enacted prior to April 13, 1972, affecting the rights, benefits or working conditions of any employee of a political subdivision of this Commonwealth.
- (d) Reduction of police force.—Notwithstanding any provision of this subpart or any other statute to the contrary, any municipality that is or was a city of the second class A may reduce its police force or its firefighting force for economic reasons, as determined by ordinance.
- (e) Statutes of general application.--Statutes that are uniform and applicable in every part of this Commonwealth shall remain in effect and shall not be changed or modified by this subpart. Statutes shall supersede any municipal ordinance or resolution on the same subject.
- (f) Regulation of business and employment.—A municipality which adopts a home rule charter shall not determine duties, responsibilities or requirements placed upon businesses, occupations and employers, including the duty to withhold, remit or report taxes or penalties levied or imposed upon them or upon persons in their employment, except as expressly provided by statutes which are applicable in every part of this Commonwealth or which are applicable to all municipalities or to a class or classes of municipalities. This subsection shall not be construed as a limitation in fixing rates of taxation on permissible subjects of taxation.
- (g) Regulation of firearms.—A municipality shall not enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.
- (h) Levying taxes.—This section does not limit or take away any right of a municipality which adopts a home rule charter from levying any tax which it had the power to levy had it not adopted a home rule charter.

- (i) Establishment of rates of taxation.—No provision of this subpart or any other statute shall limit a municipality which adopts a home rule charter from establishing its own rates of taxation upon all authorized subjects of taxation except those specified in subsection (a)(7).
- (j) Retroactive fee increase prohibited.—A municipality which adopts a home rule charter may not retroactively increase any fee or charge for any municipal service which has been provided.

§ 2963. Exercise of municipal powers by home rule county.

A county which has adopted a home rule charter shall not at any time thereafter exercise within any municipality in the county a power or function being exercised by that municipality, except under all of the following conditions:

- (1) The exercise of such power or function by the county shall be authorized by ordinance of the governing body of the county, which ordinance, in addition to such other filings as may be required by law, shall be filed with the clerk or secretary of each local municipality within the county within 30 days of its enactment.
- (2) The transfer of a power or function to the county from any local municipality within the county, as authorized by the ordinance, shall not become effective for at least 15 months from the date of adoption of the ordinance.
- Within 120 days from the adoption of the ordinance, the governing body of any local municipality, exercising on the date of the adoption of the ordinance any power or function authorized by ordinance of the county to be exercised by the county, may elect by ordinance to be excluded from the county's exercise of the power or function. Within 60 days after the date of adoption by the governing body of a local municipality of an ordinance excluding the local municipality from the exercise by the county of a power or function or in the absence of any action of the governing body, the qualified electors of the local municipality may initiate a petition requiring that the question of inclusion or exclusion from the exercise of the power or function by the county be submitted to a referendum of the electorate at the election held on the date of the next ensuing primary, municipal or general election not less than 60 days after the filing of the initiative petition with the county board of elections. The initiative and referendum procedures set forth in this subchapter or Subchapter F (relating to general provisions and limitations for optional plan municipalities) shall be followed, except where the same may be inconsistent with any of the provisions of this section. In the event the county determines there is insufficient interest or that it is not feasible to establish the proposed municipal function or power as provided for in the ordinance passed by the county, the county may repeal the county ordinance prior to the effective date of the ordinance.
- (4) The governing body of any local municipality may by ordinance, subsequent to the time limit for action as set forth in paragraph (3), request the county to be included in a municipal power or function being exercised by the county. However, the county may specify the terms and conditions for acceptance or denial of the power or function requested by the local municipality to be exercised by the county, which shall be subject to court review if the local municipality determines that the terms and conditions as set forth by the county are unreasonable.
- (5) No assessment, tax, fee or levy in the nature thereof made by the governing body of a county in support of the exercise of a power or function as authorized by ordinance of the county shall be applicable in any local municipality within the county which is providing the same municipal power or function.
- (6) If the electors of a local municipality by referendum vote to exclude the local municipality from the exercise of a power or function by the county, a petition may not be initiated nor may a referendum be held on the same question more often than every five years thereafter.

(7) A local municipality may, by action of the governing body or by initiative and referendum, withdraw from a power or function which it was exercising at the date of the adoption of the county home rule charter which it transferred to a county, provided it again assumes and exercises the power or function, but may not vote on the question of withdrawing sooner than four years from the time the county assumed the power or function of the local municipality.

§ 2964. General powers of municipalities.

Municipalities adopting a home rule charter shall have the power to:

- (1) Sue and be sued.
- (2) Have a corporate seal.
- Contract and be contracted with.
- (4) Buy, sell, lease, hold and dispose of real and personal property.
- Appropriate and expend moneys.
- (6) Adopt, amend and repeal any ordinances and resolutions as may be required.

§ 2965. Recording and filing of charter.

The municipal clerk or secretary shall have the new charter as approved by the qualified electors recorded in the ordinance books and shall also file a certified copy of the charter with the Department of State, the Department of Community and Economic Development and the county board of elections.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

§ 2966. Continuation of office of existing elective officials.

All elective officials in office at the time of the adoption of a home rule charter shall continue in office until their terms expire.

§ 2967. Repeal of home rule charter.

- (a) General rule.—The procedure for repeal of a home rule charter shall be the same as for adoption of a home rule charter. Whenever the electors, by a majority vote of those voting on the question, vote in favor of repeal of a home rule charter and the establishment of a particular form of government, the municipality shall be governed under the form of government selected by the electors from the first Monday of January following the municipal election at which the elective officials of the form of government selected by the electors shall have been elected. The government study commission shall provide in its report for the new form of government to be established.
- (b) Election of new officials.—The elective officials under a new form of government selected by the electors shall be elected at the first municipal election held after the referendum on the repeal of a home rule charter or at a later date as may be specified by the commission in its report.

SUBCHAPTER F GENERAL PROVISIONS AND LIMITATIONS FOR OPTIONAL PLAN MUNICIPALITIES

Sec.

2971. Law applicable to optional plan.

2972. Recording and filing of plan.

2973. Scope of powers of optional plan.

2974. Limitation on powers of optional plan.

Cross References. Subchapter F is referred to in sections 2963, 3001, 3031, 3041, 3051, 3071, 3091, 3095 of this title.

§ 2971. Law applicable to optional plan.

Upon the adoption by the electors of any of the optional plans of government as set forth in this subpart, the municipality shall thereafter be governed by the plan adopted and by the provisions of general law applicable to that class or classes of municipality except as otherwise provided in this subpart. Until the municipality adopts another form of government, the plan adopted and the provisions of general law applicable to that class or classes of municipality shall be law. All statutes affecting the organization, government and powers of the municipality which are not inconsistent or in conflict with this subpart shall remain in full force until modified or repealed.

§ 2972. Recording and filing of plan.

The municipal clerk or secretary shall immediately cause the new plan of government as adopted to be recorded in the ordinance book of the municipality and shall also file a certified copy thereof with the Department of State, the Secretary of Community and Economic Development and the county board of elections.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

§ 2973. Scope of powers of optional plan.

The general grant of municipal power under this subpart is intended to confer the greatest power of self government consistent with the Constitution of Pennsylvania and with the provisions of and the limitations prescribed by this subpart. Any specific enumeration of municipal powers contained in this subpart or in other statutes does not limit the general description of power contained in this subpart. Any specifically enumerated municipal powers are in addition and supplementary to the powers conferred in general terms by this subchapter. All grants of municipal power to municipalities governed by an optional plan under this subpart, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the municipality.

§ 2974. Limitation on powers of optional plan.

The optional plan of any municipality adopted in accordance with this subpart shall not give any power or authority to diminish any rights or privileges of any present municipal employee in his pension or retirement system. No municipality shall exercise any powers or authority beyond the municipal limits except those conferred by statute, and no municipality shall engage in any proprietary or private business except as authorized by the General Assembly.

SUBCHAPTER G MISCELLANEOUS PROVISIONS

Sec.

Limitation on local municipality. 2981.

Retention of existing form of government. 2982.

Retention of existing form of government when electors disapprove proposal. 2983.

Assumption of functions previously assumed by other municipality. 2984.

§ 2981. Limitation on local municipality.

No local municipality within a county shall supersede or exercise any power, function or service presently exercised by the county.

§ 2982. Retention of existing form of government.

Each municipality which does not adopt a home rule charter or an optional plan under this subpart shall retain its existing form of government as otherwise provided by law.

§ 2983. Retention of existing form of government when electors disapprove proposal.

In case the electors of any municipality disapprove a proposal to adopt a home rule charter or an optional plan of government, the municipality shall retain its existing form of government.

§ 2984. Assumption of functions previously assumed by other municipality.

- (a) Assumption of indebtedness.—A municipality assuming a function previously performed by another municipality under the terms of this subchapter shall also assume all the indebtedness and obligations of the municipality relating to the function. If property, indebtedness or obligations of another municipality not within the boundaries of the municipality assuming the function is involved, the governing bodies of the respective municipalities shall make an adjustment and apportionment of all public property involved.
- (b) Procedure for adjustment and apportionment.—The adjustment and apportionment shall be reduced to a written agreement which shall be filed with the court of common pleas of the county and the Department of Community and Economic Development.
- (c) Petition for adjustment and apportionment.—In case the municipalities cannot make an amicable adjustment and apportionment of the property, obligations and indebtedness within six months after the function is assumed, any of the municipalities may present a petition to the court of common pleas. The court shall then appoint three disinterested commissioners, all residents and taxpayers of the county, but none residing in or owners of real property in any of the municipalities. After hearing, notice of which shall be given to the municipalities as the court shall direct, the commissioners shall file a report with the court making an adjustment and apportionment of all the property as well as the obligations or indebtedness. The report shall state the amount that shall be due and payable from each municipality, the forms of payment and the amount of obligations and indebtedness that shall be assumed by each.
- (d) Notice to municipalities.—The commissioners shall give the municipalities at least five days' written notice of the filing of their report. Unless exceptions are filed to the report within 30 days after the date of the filing, the report shall be confirmed by the court absolutely. Any sum awarded by the report shall be a legal and valid claim in its favor against the municipality charged. Any real or personal property given to a municipality shall become its property. Any claim or indebtedness charged against the municipality may be collected from it.
- (e) Exceptions to report.—If exceptions are filed to the report of the commissioners, the court shall dispose of them, taking testimony if it deems advisable. The court shall enter its decree confirming the award of the commissioners or modifying the same as appears just and proper.
- (f) Compensation to commissioners.—The commissioners shall be allowed any compensation and expenses for their services as the court shall fix. The costs of the proceedings, including the compensation and expenses of the commissioners, shall be apportioned by the court between the municipalities as it deems proper.
- (g) Jurisdiction of court.--If a municipality or part of a municipality is located in two or more counties, the court of common pleas of the county where the larger part of the municipality assuming the function is located shall have exclusive jurisdiction over the proceedings.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

1998 Amendment. Act 50 amended subsec. (b).

CHAPTER 30

TYPES OF OPTIONAL PLANS OF GOVERNMENT

Subchapter

- Executive (Mayor) Council Plan A A.
- Executive (Mayor) Council Plan B В.
- Executive (Mayor) Council Plan C C.
- Council-Manager Plan D.
- Small Municipality Plan E.
- Optional County Plan F.

Enactment. Chapter 30 was added December 19, 1996, P.L.1158, No.177, effective in 60 days.

SUBCHAPTER A

EXECUTIVE (MAYOR) - COUNCIL PLAN A

Sec.

- Designation and applicability of plan. 3001.
- Officers and employees. 3002.
- Election and term of office of officials. 3003.
- Election and term of office of council members. 3004.
- First election of council members. 3005.
- Legislative power vested in council. 3006.
- Organization of council. 3007.
- Powers of council concerning officers and agencies. 3008.
- Appointment and duties of municipal clerk or secretary. 3009.
- Executive power vested in executive. 3010.
- Powers and duties of executive. 3011.
- Approval or veto of ordinances. 3012.
- Mayor, departments and department heads. 3013.
- Department of administration. 3014.
- 3015. Budget.
- Form and adoption of budget. 3016.
- Amended budget. 3017.
- Council amendments to budget. 3018.

Cross References. Subchapter A is referred to in sections 3031, 3041 of this title.

§ 3001. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Executive (Mayor) - Council Plan A" and shall, together with the laws applicable to that class of municipality and Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Chapter 31 (relating to general provisions common to optional plans), govern any municipality the electors of which have adopted it under this subpart.

§ 3002. Officers and employees.

* Each municipality under this subchapter shall be governed by an elected council, an elected executive who may be called mayor, as determined by the government study commission, an elected district attorney in the case of counties and, when recommended by the commission and adopted by the voters, an elected treasurer, an elected controller and by such other officers and employees as may be duly appointed pursuant to this subchapter or other applicable law.

§ 3003. Election and term of office of officials.

The executive (mayor), the treasurer, if elected, the district attorney in the case of counties and the controller, if elected, shall be elected by the electors at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January next following his election.

§ 3004. Election and term of office of council members.

The council shall consist of five members unless, under the authority granted under section 2924 (relating to specificity of recommendations), the municipality shall be governed by a council of three, seven or nine members. Members of the council shall be elected at large by the electors unless, under the authority granted pursuant to section 2924, members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at-large and district basis as determined by the government study commission, or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) at a regular municipal election and shall serve for a term of four years, except as otherwise provided in this subchapter, beginning on the first Monday of January next following their elections.

§ 3005. First election of council members.

At the first municipal election following the adoption of this plan, council members shall be elected and shall serve for the terms as provided in section 3162 (relating to status and term of office of officials).

§ 3006. Legislative power vested in council.

The legislative power of the municipality as provided by laws applicable to that class of municipality shall be exercised by the municipal council, except as may otherwise be provided for under this subpart.

x § 3007. Organization of council.

On the first Monday of January following the regular municipal election, the members of council shall assemble at the usual place of meeting, organize and elect a president from among its members who shall preside at its meetings and perform such other duties as council may prescribe and a vice president who shall preside in the absence of the president. If the first Monday is a legal holiday, the meeting shall be held on the next day.

§ 3008. Powers of council concerning officers and agencies.

The council, in addition to other powers and duties as may be conferred upon it by general law, may require any municipal officer to prepare and submit sworn statements regarding the performance of the officer's official duties and may otherwise investigate the conduct of any department, office or agency of the municipal government.

§ 3009. Appointment and duties of municipal clerk or secretary.

A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance as provided pursuant to section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform such functions as may be required by law or by local ordinance. The municipal clerk shall, prior to the appointment, have been qualified by training or experience to perform the duties of the office.

§ 3010. Executive power vested in executive.

The executive power of the municipality shall be exercised by the executive (mayor).

§ 3011. Powers and duties of executive.

The executive (mayor) shall enforce the plan and ordinances of the municipality and all general laws applicable to them. The executive shall, annually, report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall from time to time make these recommendations for action by the council as he deems in the public interest. He shall supervise the departments of the municipal government and shall require each department to make annual and other reports of its work as he deems desirable.

Cross References. Section 3011 is referred to in section 3041 of this title.

§ 3012. Approval or veto of ordinances.

- General rule.-Ordinances adopted by the council shall be submitted to the executive (mayor) who shall, within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or veto the ordinance by delivering it to the municipal clerk together with a statement setting forth his objections. The clerk shall immediately notify the council of the veto. No ordinance or any item or part thereof shall take effect without the executive's (mayor's) approval unless the executive (mayor) fails to return an ordinance to the clerk within ten days after it has been presented to him or unless council upon reconsideration of the veto on or after the third day following its return by the executive (mayor) shall override the executive's (mayor's) veto by a vote of a majority plus one of the members.
- Attendance at meetings of council.--The executive (mayor) may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

§ 3013. Mayor, departments and department heads.

- Inability of executive to perform duties.-The executive (mayor) shall designate any department head to act as executive (mayor) whenever the executive (mayor) shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of his office. During such time, the person so designated by the executive (mayor) shall possess all the rights, powers and duties of the executive (mayor). Whenever the executive (mayor) has been unable to attend to the duties of his office for a period of 60 consecutive days for any of the reasons stated in this subsection, a member of council shall be appointed by the council as acting executive (mayor), who shall succeed to all the rights, powers and duties of the executive (mayor) or the then acting executive (mayor), until he shall return or his disability ceases.
- (b) Establishment and exercise of functions of department.—The municipality may have a department of administration and shall have such other departments as council may establish by ordinance. All of the * administrative functions, powers and duties of the municipality, other than those vested in the office of the clerk, treasurer, if elected, and controller, shall be assigned among and within the departments.

- (c) Appointment and term of department heads and solicitor.—Each department shall be headed by a director who shall be appointed by the executive (mayor) with the advice and consent of the council. Each municipality shall also have a solicitor who shall be appointed by the executive (mayor) with the advice and consent of the council. Each department head and the solicitor shall serve during the term of office of the executive (mayor) appointing him and until the appointment and qualification of his successor. No member of municipal council shall head a department.
- (d) Removal of department head.—The executive (mayor) may remove any department head after notice and an opportunity to be heard. Prior to removing a department head, the executive (mayor) shall first file written notice of his intention with the council. The removal shall become effective 20 days after the filing of the notice.
- (e) Department officers and employees.—Department heads shall appoint subordinate officers and employees within their departments under procedures established in section 3122 (relating to appointment of subordinate officers and employees).

Cross References. Section 3013 is referred to in section 3031 of this title.

§ 3014. Department of administration.

- (a) Department heads.--Where a department of administration is established, it shall be headed by a director. The director shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office. At the time of appointment, the director need not be a resident of the municipality or this Commonwealth. He shall have, exercise and discharge the functions, powers and duties of the department.
- (b) Department functions.—The department, under the direction and supervision of the executive (mayor), shall have the following powers and duties:
 - (1) To assist in the preparation of the budget.
 - (2) To administer a centralized purchasing system.
 - (3) To establish and administer a centralized personnel system.
 - (4) To establish and maintain a centralized accounting system which shall be so designed as to accurately reflect the assets, liabilities, receipts and expenditures of the municipality.
 - (5) To perform any other duties as council may prescribe through the administrative ordinance or as the executive (mayor) may direct.

Cross References. Section 3014 is referred to in section 3032 of this title.

§ 3015. Budget.

The municipal budget shall be prepared by the executive (mayor) with the assistance of the director of the department of administration or other officer designated by the executive (mayor).

§ 3016. Form and adoption of budget.

The budget shall be in the form required by council and shall have appended to it a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council may reduce any item or items in the executive's (mayor's) budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of a majority plus one of the members of council. Council shall, upon the introduction of the proposed budget, fix a date for adoption which shall except as otherwise provided be not later than December 31 immediately following.

Cross References. Section 3016 is referred to in section 3017 of this title.

§ 3017. Amended budget.

During January next following any municipal election, the executive (mayor) may submit an amended budget to council. Council shall consider it in the same manner as provided in section 3016 (relating to form and adoption of budget), but final consideration of the amended budget shall be completed by February 15 of the same year.

§ 3018. Council amendments to budget.

Council may amend the budget during January next following any municipal election. Final adoption of the amended budget shall be completed by February 15 of the same year.

SUBCHAPTER B EXECUTIVE (MAYOR) - COUNCIL PLAN B

Designation and applicability of plan.

Departments. 3032.

3031.

Mandatory department of administration. 3033.

§ 3031. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Executive (Mayor) - Council Plan B" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities), Subchapter A of Chapter 30 (relating to executive (mayor) - council plan A) and Subchapter A of Chapter 31 (relating to officers and employees), with the exception of section 3013(b) (relating to mayor, departments and department heads), govern any municipality the voters of which have adopted it pursuant to this subpart.

§ 3032. Departments.

* The municipality shall have a department of administration and shall have such other departments as council may establish by ordinance. The administrative functions, powers and duties of the municipality, other than those vested in the office of the clerk, treasurer and controller, if provided for, shall be allocated and assigned among and within the departments except that the functions specified in section 3014 (relating to department of administration) shall be assigned to the department of administration.

§ 3033. Mandatory department of administration.

Under Executive (Mayor) - Council Plan B a department of administration shall be established.

SUBCHAPTER C EXECUTIVE (MAYOR) - COUNCIL PLAN C

Sec.

Designation and applicability of plan. 3041.

Powers and duties of executive. 3042.

Appointment and duties of managing director. 3043.

§ 3041. Designation and applicability of plan.

The form of government provided in this subpart shall be known as the "Executive (Mayor) - Council Plan C" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities), Subchapter A of Chapter 30 (relating to executive (mayor) - council plan A) and

Subchapter A of Chapter 31 (relating to officers and employees), with the exception of section 3011 (relating to powers and duties of executive), govern any municipality the voters of which have adopted it pursuant to this subpart.

§ 3042. Powers and duties of executive.

The executive (mayor) shall enforce the plan and ordinances of the municipality and all general laws applicable thereto. The executive shall, annually, report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall from time to time make those recommendations for action by the council he deems in the public interest.

§ 3043. Appointment and duties of managing director.

- (a) General rule.—The executive (mayor) shall appoint, with the advice and consent of the council, a managing director who shall supervise the departments of government and who shall be the contact officer between the mayor and the departments. The managing director shall make periodic reports with those recommendations as he deems appropriate to the executive (mayor) concerning the affairs of municipal government and particularly of the departments.
- (b) Removal.--The executive (mayor) may remove a managing director after notice and an opportunity to be heard. Prior to removing a managing director, the executive (mayor) shall first file written notice of his intention with the council. The removal shall become effective 20 days after the filing of the notice.

SUBCHAPTER D COUNCIL-MANAGER PLAN

Sec.

- Designation and applicability of plan.
- Officers and employees.
- 3053. Election and term of office of elected officials.
- 3054. Election and term of office of council members.
- 3055. First election of council members.
- 3056. Selection of mayor, council president or chairman.
- 3057. Appointment and duties of municipal clerk or secretary.
- 3058. Powers and duties of council.
- Qualifications of municipal manager.
- 3060. Removal of municipal manager from office.
- 3061. Inability of municipal manager to perform duties.
- 3062. Powers and duties of municipal manager.
- 3063. Preparation and adoption of budget.
- 3064. Amended budget.

§ 3051. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Council-Manager Plan" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), govern any municipality the voters of which have adopted this plan pursuant to this subpart.

§ 3052. Officers and employees.

Each municipality under this subchapter shall be governed by an elected council, one member of which shall be the mayor or president of council or chairman chosen under sections 2924 (relating to specificity of recommendations) and 3056 (relating to selection of mayor, council president or chairman), an elected district attorney in the case of counties and an appointed municipal manager, and, if so provided under the plan, an elected treasurer, an elected controller and by those other officers and employees as may be duly appointed pursuant to this subchapter, general law or ordinance.

§ 3053. Election and term of office of elected officials.

The district attorney in the case of counties and the treasurer and controller, if provided for and if elected, shall be elected by the electors at a regular municipal election and shall serve for a term of four years beginning the first Monday of January next following the election.

§ 3054. Election and term of office of council members.

The municipal council shall consist of five members unless, under the authority granted pursuant to section 2924 (relating to specificity of recommendations), the municipality shall be governed by a council of three, seven or nine members. Members of the municipal council shall be elected at large by the electors unless, pursuant to the authority granted under section 2924, members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at-large and district basis as determined by the charter study commission or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question), at a regular municipal election. The members shall serve for a term of four years, except as provided in this subchapter, beginning on the first Monday of January next following their election.

§ 3055. First election of council members.

At the first municipal election following the adoption by a municipality of this charter plan, council members shall be elected and shall serve for the terms as provided in section 3162 (relating to status and term of office of

§ 3056. Selection of mayor, council president or chairman.

- General rule .-- On the first Monday of January following the municipal election, the members of the municipal council shall assemble at the usual place of meeting, organize and elect one of their number as mayor or president of council or chairman unless otherwise provided. The mayor or president of council or chairman shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of the organization meeting, to elect a mayor or president of council or chairman, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor, president of council or chairman. If that person declines to accept the office, then the person receiving the next highest vote shall be the mayor, president of council or chairman and so on until the office is filled. The mayor or president of council or chairman shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings.
- Election of mayor .-- On the recommendation of the government study commission as provided under section 2924 (relating to specificity of recommendations) or as specified in an initiative petition or ordinance of the governing body as authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question), the mayor shall be elected directly by the electors at the regular municipal election in lieu of being chosen as provided in subsection (a).

Cross References. Section 3056 is referred to in section 3052 of this title.

§ 3057. Appointment and duties of municipal clerk or secretary.

A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance as provided in section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform any functions as may be required by law or ordinance. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

§ 3058. Powers and duties of council.

- General rule.—All powers as provided by laws applicable to that class of municipality shall be vested in the municipal council, except as otherwise provided by this subchapter, and the council shall provide for the exercise thereof and for the performance of all duties imposed on the municipality by law.
 - (b) Adoption of administrative ordinance.—The council shall by ordinance adopt an administrative ordinance defining the responsibilities of the municipal departments and agencies as it deems necessary and proper for the efficient conduct of municipal affairs.
 - (c) Appointment of municipal manager.—The municipal council shall appoint a municipal manager. The office of municipal manager and municipal clerk or secretary may be held by the same person.
 - (d) Investigations.--The council may make investigations into the affairs of the municipality and the conduct of any municipal department, office or agency.
- Administrative departments, boards and offices.—The municipal council shall continue or create and determine and define the powers and duties of any executive and administrative departments, boards and offices, in addition to those provided for in this subpart, as it deems necessary for the proper and efficient conduct of the affairs of the municipality, including the office of deputy manager. Any department, board or office so continued or created may be abolished by the municipal council. No member of municipal council shall head an administrative department.
 - (f) Additional powers and limitations.—It is the intention of this subchapter that the municipal council shall act in all matters as a body, and it is contrary to the spirit of this subchapter for any of its members to seek individually to influence the official acts of the municipal manager or any other officer, or for the council or any of its members to direct or request the appointment of any person to or his removal from office, or to interfere in any way with the performance by the officers of their duties. The council and its members shall deal with the administrative service solely through the municipal manager and shall not give orders to any subordinates of the municipal manager, either publicly or privately. This subchapter does not prevent the municipal council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to those committees such powers of inquiry as the municipal council deems necessary.

1 § 3059. Qualifications of municipal manager.

The municipal manager shall be chosen by the council on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the municipality or this Commonwealth. The municipal manager shall not hold any elective governmental office.

§ 3060. Removal of municipal manager from office.

The municipal manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least 30 days before the removal becomes effective, the council shall notify the municipal manager of its decision to remove him from office, by a majority vote of its members, stating the reasons for his removal. The municipal manager may reply in writing and may request a public hearing which shall be held not

earlier than 20 days nor later than 30 days after the filing of the request. After the public hearing, if one is requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the municipal manager from duty but may in any case cause to be paid immediately any unpaid balance of his salary and his salary for the next three calendar months.

§ 3061. Inability of municipal manager to perform duties.

The municipal manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make a designation or if the absence or disability continues more than 30 days, the council may appoint an officer of the municipality to perform the duties of the manager during the absence or disability until the manager returns or his disability ceases.

§ 3062. Powers and duties of municipal manager.

The municipal manager shall have the following powers and duties:

- To be the chief executive and administrative official of the municipality.
- To execute all laws and ordinances. (2)
- To appoint and remove department heads and the deputy manager, if one is authorized by council, and appoint subordinate officers and employees under procedures established in section 3122 (relating to appointment of subordinate officers and employees).
- To negotiate contracts for the municipality, subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements and execute municipal improvements as determined by the municipal council.
- To assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and, upon knowledge of any violation, to call the same to the attention of the municipal council.
- To prepare the agenda for and attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote.
- To make such recommendations to the council concerning policy formulation as he deems desirable and keep the council and the public informed as to the conduct of municipal affairs.
- To prepare and submit the annual budget to the council together with such explanatory comment as he deems desirable and to administer the municipal budget.
- To perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.
- (10) To be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the municipality within the jurisdiction of the council.

§ 3063. Preparation and adoption of budget.

The municipal manager shall submit to council his recommended budget, together with any explanatory comment or statement he deems desirable. The budget shall be in such form as is required by council for municipal budgets and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council shall upon introduction of the proposed budget fix a date for adoption thereof which shall be not later than December 31 immediately following submission.

Cross References. Section 3063 is referred to in section 3064 of this title.

§ 3064. Amended budget.

During January next following any municipal election, council may request the manager to submit an amended budget to council which shall consider it in the same manner as provided in section 3063 (relating to preparation and adoption of budget), except that final adoption of the amended budget shall not be later than February 15 of the same year.

SUBCHAPTER E SMALL MUNICIPALITY PLAN

Sec.

- 3071. Designation and applicability of plan.
- 3072. Officers
- 3073. Election of council members.
- 3074. Organization of council.
- 3075. Powers and duties of council.
- 3076. Municipal clerk or secretary, solicitor and agencies.
- 3077. Powers and duties of executive.
- 3078. Appointment of officers and employees by executive.
- 3079. Preparation and adoption of budget.
- 3080. Amended budget.

§ 3071. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Small Municipality Plan." It may be adopted by any municipality having a population of less than 7,500 inhabitants by the last Federal census. The plan, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), shall govern any municipality the voters of which have adopted it pursuant to this subpart.

§ 3072. Officers.

Each municipality shall be governed by an elected executive (mayor) and council members, an elected district attorney in the case of counties and, if so provided under the plan, an elected treasurer or elected controller and any other officers as shall be appointed pursuant to this subchapter, general law or ordinance.

§ 3073. Election of council members.

The council shall consist of the executive (mayor), who shall be elected at large, and two council members unless pursuant to the authority granted under section 2924 (relating to specificity of recommendations) the municipality is governed by an executive (mayor) and four council members, an executive (mayor) and six council members or an executive (mayor) and eight council members. Members of the council shall be elected at large unless the plan provides that members shall be elected on a district basis in which each district is as equal in population as is feasible or on a combination at-large and district basis as determined by the government study commission or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) at a regular municipal election by the voters of the municipality. The members of the council shall serve a term of four years beginning on the first Monday in January next following their election, except as provided in this subpart.

Cross References. Section 3073 is referred to in section 2924 of this title.

§ 3074. Organization of council.

On the first Monday of January following the regular municipal election, the members of the council shall assemble at the usual place of meeting and organize. The executive (mayor) shall preside at all meetings of the council and shall have a voice and vote on its proceedings. The council shall select from among its members a president of the council who shall serve in place of the executive (mayor) in the event of his absence or disability.

§ 3075. Powers and duties of council.

The legislative power of the municipality shall be exercised by the council, except as may be otherwise provided by general law. A majority of the whole number of the council shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.

§ 3076. Municipal clerk or secretary, solicitor and agencies.

- Municipal clerk or secretary.-A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance, as provided pursuant to section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform any functions as may be required by law. The clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.
- Solicitor and agencies .-- The council may, consistent with statutes applicable to that class of municipality, provide for the manner of appointment of a solicitor, any planning board, zoning board of adjustment, zoning hearing board or personnel board in the municipality and may create commissions and other bodies with advisory powers.

§ 3077. Powers and duties of executive.

The executive power of the municipality shall be exercised by the executive (mayor). The executive shall see that all laws and ordinances in force and effect within the municipality are observed. He shall address the council and report to the residents, annually and at any other times as he deems desirable, on the condition of the municipality and upon its problems of government. The executive (mayor) shall also appoint a finance committee of the council, which shall consist of one or more council members, and may appoint and designate other committees of council of similar composition.

§ 3078. Appointment of officers and employees by executive.

The executive (mayor) shall appoint subordinate officers and employees with the advice and consent of council under procedures established in section 3122 (relating to appointment of subordinate officers and employees), except that, in counties, the office of prothonotary and clerk of courts, register of wills and clerk of orphans court shall be filled by appointment by the president judge of the appropriate court with advice and consent of a majority of the council.

§ 3079. Preparation and adoption of budget.

The municipal budget shall be prepared by the executive (mayor) and shall be submitted to council in the form required by council. The budget as submitted and adopted shall be balanced. Council shall, upon introduction of the proposed budget, fix a date for adoption thereof which shall be not later than December 31 immediately following.

Cross References. Section 3079 is referred to in section 3080 of this title.

§ 3080. Amended budget.

During the month of January next following any municipal elections, the executive (mayor), upon his own initiative or at the request of council, may submit an amended budget to council which shall consider it in the same manner as provided in section 3079 (relating to preparation and adoption of budget), except that final adoption of the amended budget shall not be later than February 15 of the same year.

SUBCHAPTER F OPTIONAL COUNTY PLAN

Sec.

3091. Designation and applicability of plan.

3092. County officers.

3093. Powers.

3094. Additional options for election of county sheriff.

3095. Approval of plan.

Cross References. Subchapter F is referred to in sections 3111, 3131, 3151, 3153, 3163 of this title.

§ 3091. Designation and applicability of plan.

The form of government provided in this subpart shall be known as the "Optional County Plan" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), govern any county the voters of which have adopted this plan pursuant to this subpart. This option shall be available only to counties.

Cross References. Section 3091 is referred to in section 3095 of this title.

§ 3092. County officers.

- (a) Enumeration.—The county officers shall be as follows:
 - County commissioner.
 - (2) Controller or auditor.
 - District attorney.
 - (4) Public defender.
 - (5) Treasurer.
 - (6) Sheriff.
 - (7) Register of wills.
 - (8) Recorder of deeds.
 - (9) Prothonotary.
 - (10) Clerk of the courts.
- (b) Election and term of office.—County officers, except for public defenders, who shall be appointed as provided by law, shall be elected at the municipal election and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors are duly qualified. Vacancies shall be filled in the manner provided by law.

- (c) Salaries and fees.--County officers shall be paid only by salary as provided by law for services performed for the county or any other governmental unit. Fees incidental to the conduct of any county office shall be payable directly to the county or the Commonwealth or as otherwise provided by law.
- (d) County commissioners.—Three county commissioners shall be elected in each county. In the election of these officers, each qualified elector shall vote for not more than two persons, and the three persons receiving the highest number of votes shall be elected.
- (e) Coroner or medical examiner.—The coroner or medical examiner shall be a statutory office elected at the municipal election and shall hold the office for the term of four years, beginning on the first Monday of January next after election, and until his successor is duly qualified. He shall be paid only by salary as provided by law. Vacancies shall be filled in the manner provided by law.
- (f) Jury commissioners.—Jury commissioners shall be statutory officers and shall be elected at the municipal election and shall hold their office for the term of four years, beginning on the first Monday of January next after election, and until their successors are duly qualified. The salary board shall fix the salary of the jury commissioners. Vacancies in the office of jury commissioner shall be filled by the president judge of the court of common pleas.

Cross References. Section 3092 is referred to in section 2924 of this title.

§ 3093. Powers.

All county officers may exercise those powers granted by general law to county offices of the class of county to which it belongs.

§ 3094. Additional options for election of county sheriff.

A government study commission created and constituted as provided in Subchapter B of Chapter 29 (relating to procedure for adoption of home rule charter or optional plan of government) for counties or an initiative petition or ordinance of the governing body as authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) may recommend and cause to be placed on the ballot, as a part of the question submitted to the voters for approval, additional options as part of the optional plans as set forth in this chapter providing for the election of the county sheriff.

Cross References. Section 3094 is referred to in section 2924 of this title.

§ 3095. Approval of plan.

If the optional plan, including an additional option or options as provided in section 3091 (relating to designation and applicability of plan), is approved by the voters, the county shall be governed by the provisions of the subchapter providing the basic optional plan and by the provisions of Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), except that the elected sheriff shall be subject to the provisions pertaining to that office as provided in this subchapter.

CHAPTER 31 GENERAL PROVISIONS COMMON TO OPTIONAL PLANS

Subchapter

- A. Officers and Employees
- B. Treasurer
- C. Appointment Power and Personnel

- D. Filling Vacancies in Elected Office
- E. Legislation by Council
- F. Audit and Control
- G. Transition to Optional Plan Government
- H. Repeal of Optional Plan

Enactment. Chapter 31 was added December 19, 1996, P.L.1158, No.177, effective in 60 days.

Cross References. Chapter 31 is referred to in section 3001 of this title.

SUBCHAPTER A OFFICERS AND EMPLOYEES

Sec.

- 3101. Adverse interest in contracts for purchase or services.
- 3102. Acceptance of services at more favorable terms.
- 3103. Gift or promise of thing of value to influence political support.
- 3104. Refusal or failure to appear or testify before court.

Cross References. Subchapter A is referred to in sections 3031, 3041, 3051, 3071, 3091, 3095 of this title.

§ 3101. Adverse interest in contracts for purchase or services.

- (a) General rule.—If a municipal officer or official elected or appointed knows or by the exercise of reasonable diligence should know that he is interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any personal property for the use of the municipality or for any services to be rendered for the municipality involving the expenditure of more than \$300 in any year, he shall notify council. Any such contract shall not be passed and approved by council except by an affirmative vote of at least three-fourths of the members. If the interested officer is a member of council, he shall refrain from voting upon the contract.
- (b) Exception.--This section does not apply to cases where the officer or official is an employee of the person, firm or corporation to which money is to be paid in a capacity with no possible influence on the transaction and in which he cannot possibly be benefitted either financially or in any other material manner.
- (c) Penalties.--Any officer or official who knowingly violates this section shall be liable to the municipality upon his bond, if any, or personally, to the extent of the damage shown to be sustained by the municipality, and to ouster from office and commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not exceeding \$500, or imprisonment not exceeding one year, or both.

§ 3102. Acceptance of services at more favorable terms.

An officer or employee shall not accept or receive, directly or indirectly, from any person operating within the territorial limits of a municipality any interurban railway, bus line, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service or accept or receive, directly or indirectly, from any person any other service upon terms more favorable than is granted to the public generally, except that the prohibition of free transportation shall not apply to police officers or firefighters in uniform. Free service to the municipal officials provided by any franchise or ordinance shall not be affected by this section.

§ 3103. Gift or promise of thing of value to influence political support.

- (a) General rule.—A candidate for office, appointment or employment or an officer, appointee or employee in any municipality shall not, directly or indirectly, give or promise to any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person.
- (b) Penalty.--Any person who violates subsection (a) shall be disqualified to hold the office or employment to which he may be or may have been elected or appointed.

§ 3104. Refusal or failure to appear or testify before court.

Any person elected or appointed to any office or position in a municipality governed under this subpart who, after lawful notice or process, willfully refuses or fails to appear before any court, any legislative committee or the Governor, or having appeared refuses to testify or to answer any question regarding the property, government or affairs of the municipality or regarding his nomination, election, appointment or official conduct on the ground that his answer would tend to incriminate him, or refuses to waive immunity from prosecution on account of any matter in relation to which he may be asked to testify, may be removed from office by the council of the municipality.

SUBCHAPTER B TREASURER

Sec.

3111. Selection and duties of municipal treasurer.

§ 3111. Selection and duties of municipal treasurer.

- (a) General rule.--Under any of the optional plans as set forth in this subpart, except for the plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), the office of municipal treasurer may be omitted or may be filled by appointment or by election, as provided in the plan. If the office of municipal treasurer is to be filled by appointment, the appointment shall be made in accordance with the appointment procedures for other department heads.
- (b) Powers and duties of elected treasurer.—The municipal treasurer, if elected, shall perform the functions and duties and have the powers relating to the collection, receiving, safekeeping and payment over of public moneys, including municipal, county, institution district and school district taxes, as provided by law and shall have any other functions, powers and duties assigned to him by the executive of the municipality.

SUBCHAPTER C APPOINTMENT POWER AND PERSONNEL

Sec.

- 3121. Appointment of members of boards and commissions.
- 3122. Appointment of subordinate officers and employees.

§ 3121. Appointment of members of boards and commissions.

The appointment power of the chief executive of the municipality under any of the plans authorized by this subpart shall include the appointment of members of boards and commissions authorized by this subpart, by law or by action of municipal council. All such appointments shall be with the advice and consent of a majority of municipal council.

§ 3122. Appointment of subordinate officers and employees.

(a) General rule.--Appointments and promotions of subordinate officers and employees within departments shall be made by the department head on the basis of a personnel system which shall include written procedures for appointment and promotion based on merit and fitness as demonstrated by examination or other evidence of competence for the position.

- (b) Personnel rules.--The personnel system shall be governed by personnel rules which shall be prepared by the executive (mayor) or manager and submitted to the municipal council which shall adopt them with or without amendments unless otherwise provided for or arrived at by collective bargaining. The personnel rules may provide for:
 - The classification of all municipal positions, based on the duties, authority and responsibility of
 each position, with adequate provision for reclassification of any position whenever warranted
 by change of circumstances.
 - (2) A pay plan for all municipal positions.
 - (3) Methods for determining the merit and fitness of candidates for appointment or promotion.
 - (4) The policies and procedures regulating reduction in force and disciplinary action, including suspension and removal of employees.
 - (5) The hours of work and provisions for sick and vacation leave and holidays and overtime compensation.
 - (6) Grievance procedures, including procedures for the hearing of grievances.
 - (7) Other practices and procedures necessary to the administration of the municipal personnel system.

Cross References. Section 3122 is referred to in sections 3013, 3062, 3078 of this title.

SUBCHAPTER D

FILLING VACANCIES IN ELECTED OFFICE

Sec.

- 3131. Applicability of subchapter.
- 3132. Manner of filling vacancies in office.

§ 3131. Applicability of subchapter.

This subchapter shall apply to the filling of vacancies in elected office in all optional plans and options except those set forth in Subchapter F of Chapter 30 (relating to optional county plan).

§ 3132. Manner of filling vacancies in office.

- (a) Members of council.--
 - (1) If a vacancy exists in the municipal council, the municipal council shall, by a majority of its remaining members, fill the vacancy within 30 days thereafter by electing a qualified person to serve until that first Monday of January when his successor is duly sworn into office for the remainder of the term of the person originally elected to the office. The successor shall be elected at the next municipal election occurring at least 50 days after the vacancy begins.
 - (2) In case vacancies should exist whereby the offices of a majority or more members of the municipal council become vacant, the remaining members shall fill the vacancies, one at a time, giving each new appointee reasonable notice of his appointment as will enable him to meet and act with the then qualified member or members of the municipal council in making further appointments until a bare majority of members of municipal council members have been qualified. At that time these members shall appoint persons to fill the remaining vacancies at a meeting attended by the majority members of municipal council, such appointees to receive a

- majority of the votes of the members present at the meeting. Each person selected to fill the vacancy or vacancies shall hold his office as provided in this subsection.
- (3) If, by reason of a tie vote or otherwise, the vacancy shall not have been filled by the remaining members of municipal council within the time as limited in this subsection, the court of common pleas upon the petition of ten or more qualified electors shall fill the vacancy by the appointment of a qualified person for the portion of the unexpired term as provided in this subsection.

(b) Other officers .--

- (1) If a vacancy occurs in the office of executive (mayor), municipal treasurer, if elected, municipal controller, if elected, county district attorney or county sheriff, if elected, the municipal council shall fill the vacancy within 30 days thereafter by choosing an executive (mayor), a municipal treasurer, a municipal controller, a county district attorney or a county sheriff, as the case may be, to serve until his successor is elected by the qualified electors at the next municipal election occurring at least 50 days after the vacancy occurs and is duly sworn into office. The person so elected shall serve from the first Monday of January next succeeding his election for the remainder of the term of the person originally elected to the office.
- (2) If, by reason of a tie vote or otherwise, a vacancy in the office of executive (mayor), treasurer, controller, county district attorney or county sheriff has not been filled by council within the time as limited in this subsection, the court of common pleas, upon petition of ten or more qualified electors, shall fill the vacancy by the appointment of a qualified person for the portion of the unexpired term as provided in this subsection.

SUBCHAPTER E LEGISLATION BY COUNCIL

Sec.

- 3141. Regular and special meetings of council.
- 3142. Procedure and functions of council.
- 3143. Adoption of ordinances.
- 3144. Recording and compilation of ordinances and resolutions.
- 3145. Filing and publication of rules and regulations.
- 3146. Passage of administrative ordinance.

§ 3141. Regular and special meetings of council.

The council shall, by ordinance or resolution, designate the time of holding regular meetings which shall be at least monthly. The executive (mayor) or the president of council may and, upon written request of a majority of the members of the council, shall call a special meeting of the council. In the call, he shall designate the purpose of the special meeting and no other business shall be considered. All meetings of the council shall be open to the public. The municipal clerk or secretary shall keep a journal of its proceedings and record the minutes of every meeting.

§ 3142. Procedure and functions of council.

(a) Rules of procedure.—Council shall determine its own rules of procedure, not inconsistent with ordinance or statute. A majority of the whole number of members of the council shall constitute a quorum, and no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.

- (b) Adoption of ordinances and resolutions.—Each ordinance or resolution shall be presented and considered as determined by council rules of procedure. The vote upon every motion, resolution or ordinance shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at the meeting and by the municipal clerk or secretary.
- (c) Administrative ordinance.--Council shall adopt by ordinance an administrative ordinance which shall provide for the establishment and filling of additional administrative offices which it deems necessary and shall provide for administrative procedures not otherwise provided for in this subpart or by general law.
- (d) Compensation of controller and treasurer.—The compensation of the controller and treasurer shall be fixed by the council.

§ 3143. Adoption of ordinances.

- (a) General rule.—Except as may otherwise be provided in this subpart, all ordinances shall be adopted and published as provided by law. Any ordinance may incorporate by reference any standard technical regulation or code, official or unofficial, which need not be so published whenever ten copies of the regulations or code have been placed on file in the office of the municipal clerk or secretary and in the office of the body or department charged with the enforcement of the ordinance.
- (b) Effective date.—No ordinance, other than the local budget ordinance, shall take effect less than ten days after its final passage by council and approval by the executive (mayor) where that approval is required, unless the council adopts a resolution declaring an emergency and at least a majority plus one of all the members of the council vote in favor of the resolution.

§ 3144. Recording and compilation of ordinances and resolutions.

The municipal clerk or secretary shall record all ordinances and resolutions adopted by council and, at the close of each year, with the advice and assistance of the municipal solicitor, shall bind, compile or codify all the ordinances and resolutions or true copies thereof which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

§ 3145. Filing and publication of rules and regulations.

No rule or regulation made by any department, officer, agency or authority of the municipality, except as it relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed either with the municipal clerk or secretary or in any other manner provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

§ 3146. Passage of administrative ordinance.

The council shall prepare and pass an administrative ordinance which shall provide for the manner of appointment of a solicitor, clerk or secretary, may create commissions and other bodies with advisory powers and may include additional provisions relating to the internal structure of the municipality as long as the provisions of the administrative ordinance are not in conflict with this subpart.

Cross References. Section 3146 is referred to in sections 3009, 3057, 3076 of this title.

SUBCHAPTER F AUDIT AND CONTROL

Sec.

- 3151. Exercise of financial management control functions.
- 3152. Post audits by independent auditor.
- Selection of controller.

§ 3151. Exercise of financial management control functions.

The council shall provide by separate ordinance or in the administrative ordinance for the exercise of a control function in the management of the finances of the municipality by the municipal controller or an independent auditor or, in the case of the optional plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), by the controller or auditors.

§ 3152. Post audits by independent auditor.

The council may provide for annual post audits of all accounts by an independent auditor who shall be a certified public accountant registered in this Commonwealth or a firm of certified public accountants registered in this Commonwealth.

§ 3153. Selection of controller.

Under any of the optional plans as set forth in this subpart, except for the plans set forth in Subchapter F of Chapter 30 (relating to optional county plan), the office of controller may be omitted or it may be filled by election by the electors rather than by appointment when recommended by the government study commission and adopted by the electors. If the office of controller is to be filled by appointment, a controller shall be appointed for an indefinite term by a majority of the members of the governing body.

SUBCHAPTER G TRANSITION TO OPTIONAL PLAN GOVERNMENT

Sec.

- 3161. Applicability of plan.
- 3162. Status and term of office of officials.
- 3163. Compensation of elected officials.
- 3164. Status of existing ordinances and resolutions.
- 3165. Abolishment of existing appointive offices.
- 3166. Pending actions and proceedings.

§ 3161. Applicability of plan.

Whenever the electors of a municipality adopt any of the optional plans provided by this subpart at any election for that purpose, the municipality shall be governed under the provisions of that plan, the provisions of law applicable to that class of municipality and this subpart from the first Monday in January following the municipal election occurring after the next succeeding primary election, except as provided in section 2924 (c) (relating to specificity of recommendations).

Cross References. Section 3161 is referred to in section 3162 of this title.

§ 3162. Status and term of office of officials.

- (a) Existing elected official.—Any elected municipal official in office at the time of the adoption of any optional plan provided by this subpart shall continue in office only until the new plan of government goes into effect as provided in section 3161 (relating to applicability of plan), except as otherwise provided in subsections (c) and (d).
- (b) Members of council.—At the municipal election next succeeding the adoption of one of the optional plans provided for in this subpart, if four or fewer council members are elected, they shall serve for terms of four years. If five are elected, the four successful candidates receiving the highest percentage of the votes cast for the office to which they are elected shall serve for terms of four years, and the candidate receiving the next highest percentage of votes shall serve for a term of two years. If six or

more council members are elected, the five candidates receiving the highest percentage of the votes cast for the office to which they are elected shall serve for terms of four years, and the remaining successful candidates receiving the next highest percentage of votes shall serve for terms of two years. Thereafter, all council members shall be elected for terms of four years. Where the term of office for council members under the adopted plan is different from the term of office for council members under an existing form of government, the terms of office for council members so elected shall be established so that, at each subsequent municipal election at which council members are elected, the number of council members to be elected shall be as nearly equal as possible to the number of council members to be elected at every other regular municipal election at which council members are elected.

- (c) Treasurer, controller, district attorney and sheriff.--If an elected municipal treasurer or elected municipal controller, elected county district attorney or elected county sheriff is in office at the time of the adoption of an optional plan under the provisions of this subpart, a treasurer, controller, district attorney or sheriff, as the case may be, shall not be elected or appointed to take office until after the resignation, death, removal or expiration of the term of the incumbent in the office. At the expiration of the term of the incumbent, a treasurer, controller, district attorney or sheriff, as the case may be, shall be elected or appointed for the full term for the office as provided by the optional plan adopted.
- (d) Continuation of existing members of council in office.—Any member of a municipal governing body in office at the time of the adoption of an optional plan shall remain in office, continuing as an at-large or district council member, as the case may be, until the expiration of this term in office and shall receive the compensation provided by law at that time:
 - (1) If that council member was elected on an at-large basis, the newly adopted optional plan provides for a total number of at-large council members equal to or exceeding the total number of at-large council members under the existing form of government.
 - (2) If that council member was elected on a district basis, the district from which that council member was elected remains unchanged and continues to encompass the exact same geographical area under the newly adopted optional plan as under the existing form of government and the number of council members to be elected from that district under the newly adopted optional plan is equal to or exceeds the number elected from that district under the existing form of government.

Any council member may, by writing filed with the municipal treasurer, direct that any portion of his annual compensation for serving in office be returned to the municipal treasury. For the purpose of this section, an executive or mayor who is also a member of the council under an existing plan shall be considered as a member of the council, and, after the new plan goes into effect, his duties shall be only those of a member of council as prescribed by the new plan.

- (e) Number of members of council to be elected.—At the municipal election next succeeding the adoption of one of the optional plans provided for in this subpart, the number of council members prescribed by the terms in the plan less the number of council members then in office whose terms do not expire on the first Monday of January next following, as may be determined by subsection (d), shall be elected.
- (f) Filling vacancies on council existing prior to election.—If there are vacancies in council occurring by reason of resignation, death or removal 90 days or more before the election, they shall be filled for the remainder of the term of the person originally elected to that office.

Cross References. Section 3162 is referred to in sections 3005, 3055 of this title.

§ 3163. Compensation of elected officials.

- (a) Officials elected prior to transition year.—The annual compensation of the executive (mayor) and council members elected to their offices in the year prior to the transition year under any of the optional plans, except the plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), adopted pursuant to this subpart shall be established by the commission as part of its recommendations or by the initiative petition or ordinance of the governing body authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question).
- (b) Officials elected subsequent to transition.—The compensation of the executive (mayor), council members, controller and treasurer elected to their offices subsequent to the transition to any of the optional plans set forth in this subpart, except for the plan set forth in Subchapter F of Chapter 30, shall be fixed by ordinance of council adopted at least two days prior to the last day fixed by law for candidates to withdraw their names from nomination previous to the municipal election. After the compensation is fixed by ordinance, only an increase or decrease thereof need be fixed by the ordinance.

§ 3164. Status of existing ordinances and resolutions.

On the effective date of an optional plan adopted pursuant to this subpart, all ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this subpart shall remain in full force and effect.

§ 3165. Abolishment of existing appointive offices.

- (a) General rule.—On the effective date of an optional plan adopted pursuant to this subpart, all appointive offices then existing in such municipality shall be abolished and the terms of all appointed officers shall immediately cease and terminate. This section does not abolish the office or terminate the terms of office of any alderman or constable or of any official or employee now protected by any tenure of office or civil service law or of any police officer or firefighter whether or not protected by a tenure of office law.
- (b) Use of resolution to govern interim proceedings.—Provisions for officers and for the organization and administration of the municipal government under the optional plan may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 60 days after the effective date of the optional plan.

§ 3166. Pending actions and proceedings.

All actions and proceedings of a legislative, executive or judicial character, pending upon the effective date of an optional plan, may continue. The appropriate officer or employee under the optional plan shall be substituted for the officer or employee exercising or discharging the function, power or duty involved in the action or proceeding before the effective date.

SUBCHAPTER H REPEAL OF OPTIONAL PLAN

Sec.

3171. Repeal of optional plan and establishment of new form of government.

§ 3171. Repeal of optional plan and establishment of new form of government.

(a) General rule.—The procedure for repeal of an optional plan shall be the same as for adoption of an optional plan as provided in Subchapter B of Chapter 29 (relating to procedure for adoption of home rule charter or optional plan of government), excluding the procedure provided in sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or

ordinance proposing amendment) and 2944 (relating to time and manner of submission of question). Whenever the electors, by a majority vote of those voting on the question, vote in favor of repeal of an optional plan and the establishment of a particular form of government, the municipality shall be governed under the form of government selected by the electors. The form of government so approved shall take effect on the first Monday of January following the municipal election at which the elective officials of the form of government selected by the electors shall have been elected. The government study commission shall provide in its report for the new form of government to be established.

(b) Amendment procedure.--This section does not prohibit or limit the procedure provided in sections 2942, 2943 and 2944 to amend an optional plan.

II. Beginning Government Study Commission Process

The decision of whether or not to study a municipal government and consider the advisability of change is made by the voters. At the same time this decision is made, the voters elect a group of citizens to conduct the study and report their recommendations back to the electorate for final decision. The entire process can be begun either by the governing body of the municipality, or by a group of citizens through the initiative process.

Placing the Government Study Commission Question on the Ballot

The Home Rule Law provides two alternate methods for placing the question of having a government study commission on the ballot. The question may be initiated either by (1) an ordinance of the municipal governing body or (2) a petition of the registered voters of the municipality. The ordinance or petition must designate one of the three questions permitted by the Home Rule Law.

Government Study Commission Questions. The Home Rule Law contains three questions — one must be selected to be placed on the ballot in drawing up the ordinance or petition. The choice of the question will restrict the government study commission to a consideration of an optional plan, a home rule charter, or allow it to choose either an optional plan or a home rule charter. The text of the questions as set forth in the Home Rule Law follows.¹

- (1) "Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government and to recommend whether or not an optional plan of government should be adopted?"
- (2) "Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of a home rule charter; and if advisable, to draft and to recommend a home rule charter?"
- (3) "Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government or a home rule charter; to recommend the adoption of an optional form of government, or to draft and recommend a home rule charter?"

In addition to choosing one of the three questions, the petition or ordinance must designate whether the proposed government study commission is to have seven, nine or eleven members.

Initiation by Ordinance. An ordinance to place a government study commission on the ballot must be adopted by the governing body of the municipality, that is, the county commissioners, city council, borough council, or township commissioners or supervisors. There is no required form for the ordinance, However, it must specify one of the three questions to be placed on the ballot and designate the number of members to be elected to the government study commission.

Within five days after the final enactment of an ordinance, the municipal clerk or secretary must file a certified copy of the ordinance with the county board of elections, together with a copy of the question to be submitted to the voters. The county board of elections will submit the question to the voters at the next primary, municipal or general election occurring not less than the thirteenth Tuesday after the ordinance is filed. The deadline for filing an ordinance to appear on the next election is thirteen weeks before the date of the election.²

Initiation by Petition. The question of having a government study commission may also be put on the ballot by petition. The petition must specify one of the three questions provided in the Home Rule Law and designate the number of members for the proposed government study commission. The petition must be signed by a sufficient number of registered voters of the municipality to equal at least five percent of the number of persons voting for the office of governor in the last gubernatorial general election within the municipality. No petition may be signed or circulated prior to the twentieth Tuesday before the election.

After the petition has been properly signed by one third of the number of registered voters required, written notice of this fact should be filed by the circulators in the office of the county election board and the office of the municipal secretary.⁵ A copy of the notice is then posted in each of these offices.

Individuals signing the petition must give their occupation, place of residence and the date of signing.⁶ Petitions may be composed of more than one sheet of paper. Each sheet must be accompanied by an affidavit of the circulator.⁷ The referendum petition must be filed by the thirteenth Tuesday prior to the primary, municipal or general election where the question is to appear on the ballot.⁸

When Question Prohibited. No question for election of a government study commission may be initiated either by ordinance or by petition while proceedings are pending under any other ordinance or petition filed subject to the Home Rule Law. Proceedings are considered to have begun on the date of the governing body's final vote passing the ordinance or when one third of the required number of signatures for the petition have been obtained.⁹

A referendum on a question for election of a government study commission cannot be held on the same question within four years after the question has been defeated. However, referendum on one of the other two questions may be held within the four year period. Also, a government study commission can be elected within five years after a proposed charter or optional plan proposed by a preceding government study commission was defeated at the polls. 11

References

- 53 Pa.C.S. 2901(a); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2911(e); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2911(b); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2911(e); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2911(c); Home Rule Charter and Optional Plans Law.
- 25 P.S. 2868; Pennsylvania Election Code, Section 908.
- 25 P.S. 2869; Pennsylvania Election Code, Section 909.
- 53 Pa.C.S. 2911(e); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2927(b); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2927(a); Home Rule Charter and Optional Plans Law.
- Commonwealth ex rel. Baker v. Lackawanna County Board of Elections, C.P. Lackawanna Co., No. 316, March Term, 1975.

Electing Members of the Government Study Commission

At the same election where the question of having a government study commission is on the ballot, voters are also asked to elect the designated number of members for the commission. Even voters opposing having a government study commission are to vote for members of the commission.

The Home Rule Charter and Optional Plans Law establishes a detailed procedure for simultaneously presenting to the electors two related questions – the first, whether a home rule study should be undertaken and secondly, the election of members to a study commission if the vote is favorable to such a study.

Eligibility. The only eligibility requirement for candidates for the office of study commissioner is that they be registered voters of the municipality. Current officeholders, including local, school, county and state officials are eligible to serve as members of government study commissions. As the office is nonpartisan, persons covered by local or state civil service regulations are also eligible to serve.

Nomination Papers. Candidates are nominated by filing nomination papers. The nomination papers must include the name and address of the candidate, identify the person as a candidate for the office of government study commissioner, and state the signers are legally qualified to vote for the candidate.³ The nomination papers may not carry any political party designation or slogan.⁴

Nomination papers may be circulated and signed within a time period between the thirteenth and the tenth Tuesday before the election. Candidates must obtain signatures of registered voters equal to at least two percent of the number of votes cast for governor in the last gubernatorial general election within the municipality, or two hundred registered voters whichever is less. Each voter signing a nominating paper must list their occupation and residence, including street number and post office address. Each voter may sign nominating papers for as many candidates as the number of members proposed for the government study commission.

Each nomination paper must be accompanied by an affidavit of one or more of the signers, affirming the paper was signed by each signer in their proper handwriting, that to the best of the signer's knowledge all signers are registered voters of the municipality, and that the purpose of the paper is to endorse the candidate named for the office of government study commissioner.⁷

Filing Nomination Papers. Nomination papers must be filed no later than the tenth Tuesday prior to the date of the election. Each nomination paper must have attached an affidavit signed by the candidate, consenting to stand as a candidate at the election, and promising to take office and serve, if elected. Candidates filing nomination papers for government study commissioner do not have to pay a filing fee since they serve without compensation. 10

Ethics Law Disclosure Statement. The State Ethics Commission has ruled candidates for government study commission must file ethics law disclosure statements. Forms are available from the county board of elections.

Campaign Finance Reports. Candidates for government study commissioner are subject to campaign finance reporting requirements. Most candidates for government study commission will have minimal, if any, campaign receipts or expenditures. Candidates spending less than \$250 are required only to file a notarized statement attesting that fact with the county board of elections. When candidates file their nomination papers, they will be given the appropriate form by the board of elections.

References

- 53 Pa.C.S. 2914; Home Rule Charter and Optional Plans Law; Reese v. County Board of Elections of Lancaster County, 308 A.2d 154, 10 Pa.Cmwlth. 448, at 453, 1973.
- 53 Pa.C.S. 2913(a); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2913(b); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2912(b); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2913(a); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2913(c); Home Rule Charter and Optional Plans Law; 25 P.S. 2911(c). Pennsylvania Election Code, Section 951.
- 53 Pa.C.S. 2913(d); Home Rule Charter and Optional Plans Law.
- 8. 53 Pa.C.S. 2912(b); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2913(b); Home Rule Charter and Optional Plans Law.
- 25 P.S. 2873; Pennsylvania Election Code, Section 913.
- 65 Pa.C.S. 1104(b); State Ethics Commission Opinion #80-029.
- 25 P.S. 3246; Pennsylvania Election Code, Section 1626.
- 13. 25 P.S. 2912; Pennsylvania Election Code, Section 952.

Election Procedures

All elections held under the authority of the Home Rule Charter and Optional Plans Law are to be conducted in accordance with the Pennsylvania Election Code. Provisions of the Election Code are to be followed unless specifically superseded by the Home Rule Law.

Advertising Elections. Both the county board of elections and the municipal clerk or secretary must legally advertise the election on the question of a government study commission. The county board of elections must include the question in its official notice of the election.² In addition, the municipal clerk or secretary must post a notice of the election in each polling place on the day of election and publish a notice in at least one newspaper of general circulation in the municipality once a week for three consecutive weeks during the period of 30 days prior to the election.³

Courts have held notice requirements in election laws are mandatory rather than directory. In a case involving Unity Township, the Westmoreland County Court of Common Pleas held failure to give notice as required by the Home Rule Law constituted sufficient grounds for striking a question on electing a government study commission from the ballot. A referendum on a government study commission in the City of Meadville was invalidated for failure to give proper notice. In this case, the court directed the question to be placed on the ballot at the next available election without the need to recirculate and refile petitions. However, candidates interested in serving on the commission were required to refile nominating petitions. The Pennsylvania Supreme Court has upheld the right of courts to keep questions off the ballot for failure to comply with advertising and notice requirements.

For each referendum appearing on a county or municipal ballot, the county board of elections is to prepare an explanation of the ballot question.⁷ This statement must be in plain English. It is to indicate the purpose, limitations and effects of the ballot question to the people. The statement is to be included in the notice of the election and three copies are to be posted at each polling place.

Ballot Instructions. Voters are to be instructed to vote for members of the government study commission, regardless of how they voted on the question of having a study commission. Each voter is to vote for the designated number of members of the commission. The Commonwealth Court has held placing these instructions on the ballot is a mandatory procedure. Because of the failure of the board of elections to put required instructions on the ballot, it invalidated the election of a government study commission in Lancaster County.

Election Contests. The Commonwealth Court also held that elections of government study commissioners are subject to election contests under the Pennsylvania Election Code. 10 No contest provision exists for a referendum question, but the validity of a referendum may be challenged in equity if some material requirement of the law is ignored.

Results. Results of the voting are canvassed in the same manner as for other municipal offices and questions. If a majority of those voting on the question of having a government study commission approve the proposal, then the designated number of commissioners receiving the largest number of votes are elected and constitute the government study commission. If two or more candidates for the last seat draw an equal number of votes, then they must draw lots to determine whom is elected. If the voters do not approve the question of establishing a government study commission, then no study commissioners are elected and the procedure is ended. ¹¹

If an insufficient number of persons have filed nominating papers by the deadline to fill all the positions on the government study commission, the question is still placed on the ballot. However, if additional persons are not elected to the study commission by receiving at least as many write-in votes as signatures required for the nomination paper, then the question is deemed to be defeated. Even if a majority approve having the commission, a full slate of commission members must be elected before the question is considered approved.

Certification. The county board of election must certify the results of the election to the municipal governing body, the Secretary of the Commonwealth and the Secretary of Community and Economic Development.¹³

References

- 1. 53 Pa.C.S. 2912(b); Home Rule Charter and Optional Plans Law.
- 2. 25 P.S. 3041; Pennsylvania Election Code, Section 1201.
- 53 Pa.C.S. 2952; Home Rule Charter and Optional Plans Law.
- Chenet v. County Board of Elections of Westmoreland County, 56 West. 195, 1974.
- 5. Early v. Board of Elections of Crawford County, 3 D.&C.4th 98, 1988, C.P. Crawford Co.
- Mount Lebanon v. County Board of Elections of Allegheny County, 368 A.2d 648, 470 Pa.317, 1977.
- 25 P.S. 2621.1; Pennsylvania Election Code, 201.1.
- 8. 53 Pa.C.S. 2911(c); Home Rule Charter and Optional Plans Law.
- 9. Reese v. County Board of Elections of Lancaster County, 308 A.2d 154, 10 Pa.Cmwlth. 448, 1973.
- 10. Ibid, at 455.
- 11. 53 Pa.C.S. 2914; Home Rule Charter and Optional Plans Law.
- 12. 53 Pa.C.S. 2912; Home Rule Charter and Optional Plans Law.
- 13. 53 Pa.C.S. 2951; Home Rule Charter and Optional Plans Law.

III. Operations of a Government Study Commission

Once elected, the members of the government study commission serve as representatives of the community at large in examining the current local government, considering alternatives, reaching decisions on how the local government might best be run, and presenting their recommendations to the voters. The process is a local process; although outside help is available, local citizens do the bulk of the work, and the decisions reached are their responsibility. The process is also a citizen process. The commissioners are elected by the citizens and are to conduct their affairs with the maximum feasible public involvement and discussion.

The role of the government study commission has been summed up very aptly by the Ferguson Township Government Study Commission.

- To conduct an in-depth study of municipal government.
- To probe deeply into procedures and inter-relationships of different parts of government so as to discover weaknesses or defects.
- To look outside the municipality to discover improved practices that might be applied and adopted.
- To evolve from its studies an arrangement for better government.
- Upon the development of the major elements to set them down in a clear, logical and consistent form as a Charter.
- To conduct its affairs in a manner which will win the respect of the citizens and educate and stimulate citizens groups and officials to get the Charter adopted.

Membership in a Study Commission does not necessarily imply expertness. Wisdom, practical judgment and amateur enthusiasm are as fundamental to a successful Charter Commission as are legal, social and political expertise.

Role of the Government Study Commission

Candidates elected to a government study commission have an important and serious task to perform. In some ways, commission members will be performing for their community many of the functions traditionally exercised by the General Assembly. Pennsylvania courts hold home rule charters have the force and status of legislative enactments.² The seriousness and commitment the commissioners bring to their deliberations will greatly determine the impact of their recommendations.

The commissioners must be aware their work is likely to have a long-term influence on the affairs of their community. They are not being asked to examine trivial matters relating only to a narrow scope of activity, nor are they making recommendations with no direct opportunity for implementation. They are charged with the task of comprehensively reviewing, studying and analyzing the very governmental structure for their own community. But it is not just a study, because the commission's recommendations are promptly placed before the voters for decision.

Governments do not ordinarily subject themselves to comprehensive self-examination; they are too busy with daily activities. The government study commission process affords municipalities the opportunity to initiate the kind of governmental review not otherwise possible. Divorced from needs to operate the government or to position for partisan advantage, the citizen members of the government study commission can turn their full attention to the improvement of governmental machinery.

Pennsylvania local government structures are based in the distant past, embellished by accretions mandated over the years by the General Assembly or created locally to meet a pressing need. The government study commission often makes the first complete review of this structure. The results of their study, analysis and decision making will form a proposal to be either ratified or rejected by the voters. Seen in this perspective, the work of the government study commission may be one of the most formative acts in the life of the community.

Government study commissions have often been likened to constitutional conventions. Just as state conventions are occasionally called to revise, amend or rewrite the basic body of law for the state government, so also are municipal government study commissions charged with reviewing the governmental structure of their municipality and making recommendations for basic change.

In this role, study commissioners are asked to "represent" all citizens in the community. Since each voter cannot take the time to study the complete governmental operation of their municipality, the study commission plays an important representative role. In a true sense, the commissioners are acting not for themselves, or their colleagues on the commission, but for all citizens living within the community.

Each government study commission assumes a character unique to itself, and the operations of one are not strictly comparable to the work of another. Such variability is inevitable, for commissions will differ according to types of individual member, organizational style, community values and the kinds of problems unique to each municipality. Government study commissions will work within the community's municipal traditions, the local political culture and the vision for the future. Communities will employ different attitudes and resources in coping with physical, social or economic change. The very size and breadth of governmental activity will greatly determine the scope of the commission's work.

Study. The first substantive task of the government study commission is a thorough review of the structure and operation of the existing form of government. Each commissioner must gain familiarity with the current administrative organization and methods of operation. The initial fact-finding process is important, for the commissioners should not begin their deliberations with any preconceived notions. They should neither support change for the sake of change, nor oppose change simply because it is change. The commissioners must base their deliberations on the information they gather, and the initial fact-finding process is an important stage in their work. Part of the information gathering is examining alternative approaches used in other areas or new structural proposals to meet emerging needs.

Deliberation. The Home Rule Law specifies the kinds of questions the study commissioners ought to ask as they collect information on the existing form of government.³ The commission is charged with comparing the municipality's government with other forms available under law. The commission has the duty to judge whether or not the municipality's government could be strengthened and made more clearly responsible or accountable to the people, or whether its operation could become more economical or efficient under a changed form of government. Definition of these terms, and thus definition of their charge, is left to the members of each commission. Local values will determine the definition of a strong, responsible, accountable, economical and efficient local government.

In meeting this responsibility, the commission must look for structural and operational weaknesses and review those areas where improvement appears desirable. In this process, the commission can look to other municipalities whose experiences may provide some useful guides. In all cases, the commission must try to determine the kind of government which will best suit the unique needs of their own community. It must balance the desirability of change against the advantages of continuity and familiarity.

Drafting. As elected delegates to the functional equivalent of a municipal constitutional convention, the study commissioners drafting a home rule charter undertake a task likely to have long-range implications for the functioning of their community. With only eighteen months to accomplish their work, the study commissioners are charged with producing the single most important document regulating the government of their municipal-

ity. The work of study commissioners is not easy. They are forced to make choices to ultimately determine their municipal government's capability to operate and respond to the wishes of its citizens.

The success of the study commissioners in meeting their task greatly depends on the amount of information and assistance they seek. The study commissioners cannot hope to write a home rule charter without tapping the resources and information others have to offer. The Department of Community and Economic Development, the local government associations and local educational institutions provide in-formation resources the study commission can tap. The study commissioners should consider engaging the services of local government and legal experts early in their deliberations. A consultant can advise on what a sound charter should contain, and also on the pace and schedule of work for the commission if recommendations are to be made before the statutory deadline. The study commissioners should always actively seek out the judgments of present and past municipal officials, as well as the views of all individuals and groups wishing to make a contribution to the charter drafting process. Often, neighboring communities contain individuals with valuable experience in the study commission process.

The commissioners are being asked to recommend a system of local government designed to serve its citizens more efficiently and responsibly than the existing system. Since each community is likely to have its own unique needs and traditions, the precise shape of a charter will differ from all other charters, even though basic elements are common to many. The real task the study commissioners face is to produce a workable home rule charter to enable the local government to respond to the needs of its own citizens with flexibility and economy. Drafting the charter will be a challenging task, but the rewards municipal self-government offer will more than compensate the efforts of the study commission. The Youngsville Borough Government Study Commission has ably stated the nature of this task.

Our aim has been to ensure that our form of municipal government is modern, able to assume all the powers available to it, and organized in such a way that it can use those powers to the fullest extent necessary to maintain democratic, efficient, economical and progressive action consistent with the needs and will of the community.

We recognize that what we are proposing is in fact a blueprint of the machinery of government for tomorrow. Although we have no crystal ball to tell us what changes and problems may arise in the next ten, twenty or fifty years, we have attempted to develop a formula that is flexible, adaptable, broad without being vague, and precise without being restrictive.⁴

References

- 1. Ferguson Township Local Government Study Commission Final Report, March 14, 1974, p. 6.
- Mount Lebanon v. County Board of Elections of Allegheny County, 368 A.2d 648, 470 Pa. 317, at 320, 1977; Commonwealth v. Bellis, 472 A.2d 194, 324 Pa.Super. 506, at 518, 1984.
- 3. 53 Pa.C.S. 2918; Home Rule Charter and Optional Plans Law.
- A Report of the Activities and Findings of the Youngsville Government Study Commission and a Proposed Home Rule Charter for the Borough of Youngsville, August 30, 1974, p. 2.

Organizing the Government Study Commission

Oath. Within ten days after official certification of their election, members of the government study commission must make an oath or affirmation to support the Constitution of the United States and the Constitution of Pennsylvania, and to perform the duties of their office with fidelity. Those elected to a county government study commission must take the oath before a judge of the court of common pleas. Municipal study commission members take their oath before a district justice. This ceremony can be done either at the organization meeting or at the office of the district justice or judge.

The Home Rule Law requires the commission to organize and hold its first meeting as soon as possible and no later than fifteen days after certification of its election.² The law does not specify who is to call the meeting, but the elected members should work this out with the municipal secretary. The first meeting should be advertised as required by the Sunshine Law, and the municipal secretary is the appropriate person to do this.³

Officers. The Home Rule Law does not provide much detail on the organizational arrangements for a government study commission. At the organizational meeting, one of the members is to be elected chairman and one vice-chairman. Additional offices have been those of secretary and treasurer. There should be no problem choosing officers in a small town, but in a large municipality or county, some effort should be made by the members to become acquainted with their colleagues before officers are chosen.

The specific duties of officers are left to the discretion of the study commission. Commissions generally follow precedents set by other organizations within their communities. In the case of the secretary, duties greatly depend on the amount of paid help available. Generally, personnel expenditures rise with the size of the local government being studied. One of the first costs incurred for even the smallest communities is employment of stenographic and typing assistance, so no member of the commission is saddled with these tasks.

Procedural Rules. At the same organization meeting, commission members should agree on procedural rules to guide their work. While some rules are necessary, no set of procedures will guarantee smooth operation. Mutual courtesy, tact and common sense are essential to lubricate the deliberative process. Formal votes may be taken on major issues, but the commission will find informal cooperation among the members is a necessary ingredient for productive work. In general, rules should reflect familiar local patterns set by other community organizations.

A majority of the members constitutes a quorum for the conduct of the commission's business, and the law further requires the recommendation of the commission to be adopted by a majority of the whole number of the members of the commission.⁴ Workshop sessions, research activities and committee meetings can be conducted with less than a quorum of the full commission.

Vacancies. If any vacancy occurs in the commission, the remaining members must fill it by appointing a properly qualified voter to the position.⁵ If a vacancy does occur, the remaining members should fill the position as promptly as possible so the work of the commission can continue without interruption.

Vacancies have occurred in more than one out of five government study commissions, with commissions replacing up to four of their original elected members due to deaths, resignations and persons moving out of the community. The Baldwin Borough Government Study Commission filled its two vacancies by advertising them in the local paper, then selecting new members from the applications received.⁶ Other commissions chose persons who had run for the office and received the next highest vote after those elected.

A number of government study commissions appointed alternates. Alternates attended meetings and took part in the commission's activities, but did not vote. Alternates were then available to fill any vacancies, providing the commission a replacement with experience and knowledge of the commission's work.

References

- 1. 53 Pa.C.S. 2915(b); Home Rule Charter and Optional Plans Law.
- 2. 53 Pa.C.S. 2916(a); Home Rule Charter and Optional Plans Law.
- 65 Pa.C.S. 709; Sunshine Act.
- 4. 53 Pa.C.S. 2916(b); Home Rule Charter and Optional Plans Law.
- 53 Pa.C.S. 2917; Home Rule Charter and Optional Plans Law.
- 6. Home Rule Charter, Report of the Government Study Commission, Baldwin Borough, May 2, 1974, p. iii.

Meetings

At the organization meeting, the government study commission is required to fix its hours and place of meeting. A regular and well-publicized time and place for commission meetings is important for encouraging citizen attendance. Commissions usually meet in the municipal building or some other public place with adequate facilities. Public hearings are often scheduled for a sizeable hall or are held at scattered locations throughout the community to facilitate attendance.

In drawing up a time schedule for meetings, tentative plans must be made for the commission's work. At the initial meeting or another early date, the commission should hear an expert explain its powers and duties and the scope of its activities. The Department of Community and Economic Development regional offices can provide such individuals, or veteran members of government study commissions may be available from neighboring communities.

Meeting frequency varies with the manner each commission organizes its work. Weekly or biweekly meetings are most commonly chosen. If a commission chooses to do much of its work through committees, monthly formal meetings may suffice. Often commissions have found it necessary to alter the frequency of meetings, especially meeting more often during the charter-drafting phase.

The time for meetings should be set for the maximum convenience of members. Accessibility for the public should also be considered. Evening meetings are most usual. The commission can consider definite time limits to meetings. Commissions usually experience little difficulty in carrying their business forward from one meeting to the next. Concern for getting through a meeting agenda should be balanced against the desirability of full discussion of issues to each member's satisfaction and allowing for maximum input from the public.

Meetings of the government study commission must be advertised; it is an agency within the meaning of the Sunshine Law.² All deliberations and formal actions must be taken at a previously advertised public meeting. The Home Rule Law requires the commission to provide for the widest possible public information and discussion on the purpose and progress of its work.³

Government study commissions must hold at least one public hearing. Public hearings are used to explain the commission's activities to the public and obtain public reaction, comment and suggestions. At least three useful occasions arise for a public hearing. The first is early in the commission's life to gather citizen views on the existing government and generate public support and attention for the commission's activities. The second is at the point the commission is ready to make a decision on the nature of its recommendation — whether to proceed to draft a charter, select an optional plan or recommend no change. The third arises with the formulation of the final recommendation, whether an optional plan or a preliminary draft of a home rule charter. About half the commissions have held one or two public hearings. Three to five public hearings are the most usual range. Some commissions have held more than twenty public hearings in an effort to bring their activities to all parts of a county or large municipality.

Meetings should be planned in advance, either by one of the officers or a program committee. Each meeting should have a worthwhile activity — speakers, interviews, special reports, policy debates, reviews of drafts or public presentations. The work of the study commission is considerable. Skillful planning can help ensure the time spent by the commission is productive. Past government study commissions have averaged around fifty meetings, with some holding up to one hundred. Commission members will be required to devote hundreds of hours of their time to meetings, workshops and hearings with many more spent in private study and research.

References

- 53 Pa.C.S. 2916(a); Home Rule Charter and Optional Plans Law.
- 65 Pa.C.S. 703; Sunshine Act.
- 3. 53 Pa.C.S. 2920; Home Rule Charter and Optional Plans Law.

Committees

Government study commissions have the choice of operating as a single group or delegating some of their tasks to committees composed of several members. In most cases, commissions have operated without formally organized committees, although tasks may have been assigned to individuals or ad hoc groups. In some cases, citizen members were added to committees to gain expertise or broaden community involvement in the process.

Committees were established on both a permanent and temporary basis. In Scranton, subcommittees for bylaws and finance operated briefly in the initial period of the commission. The Plymouth Township Government Study Commission employed two separate sets of committees. During the research phase, subcommittees were assigned for studying the current government, optional plans, home rule charter, New Jersey optional forms experience and financial affairs. After the commission voted to draft a home rule charter, three committees were formed: charter drafting, transitional plan and report drafting. A citizen advisory committee of 27 members was appointed to help review initial charter drafts. During the charter drafting process, both Bellevue Borough and Radnor Township Government Study Commissions assigned the task of drafting preliminary articles of the charter to subcommittees whose work was then reviewed by the full commission.

Committees used by study commissions fall into three broad areas. Administrative committees deal with the operations of the commission in areas such as program, budget, personnel, auditing and public relations. Research committees study various governmental forms and options open for recommendation. Charter drafting committees have responsibility for furnishing initial drafts of particular parts of charters.

Because most commissions are small, the most frequent size being only 7 members, the majority did not work through committees. In this way, all members of the commission participated in all facets of its activity. In larger jurisdictions, hiring of professional staff or retaining consultants was the preferred method of dealing with the burden of the workload.

Work Schedule

In addition to electing officers and determining rules of procedure, the commission at its first meeting ought to start planning out a tentative schedule of its work. In all probability, this schedule will have to be refined as the work progresses and the commission settles on a mutually agreeable pace. Adhering to a written schedule or outline of activities is a good idea so the commission does not get bogged down in any particular phase of its work. It also helps keep the commission's ultimate purpose in the forefront. Time limits for commission activity are established in the Home Rule Law. Schedules must be fitted within these deadlines.

If the referendum question has limited the commission to examining optional plans, it has nine months to complete its work. It might spend the first two months reviewing the existing governmental structure and gathering information on areas needing improvement. The next several months the commission can consider each of the optional plans and weigh their desirability for the community. By the seventh month the commission should have completed the major portion of its review and come to the point of making its recommendation so it can designate one or more members to begin work on writing the report. None of these tasks can be neatly sealed off from the others, and the exact form of scheduling may vary with each study commission. The tentative schedule established by the commission at the beginning should become increasingly specific as the dead-line date for the recommendation approaches.

For commissions drafting home rule charters, the work is much more complex. Even though such commissions are given 18 months to complete their work, they must be aware writing a charter is a time-consuming task. After initial study and review, the commission ought to begin drafting a rough version of the charter by the sixth month or so of its deliberations. To provide sufficient time to make necessary revisions, public hearings

on a tentative draft ought to be held by about the twelfth month. Scheduling work will depend on the way the commission chooses to write the charter, but some tentative timetable will be necessary to guide the commission's work.

The activities of government study commissions fall into a general pattern, although variation is the rule rather than the exception. The first step is orientation. This includes the organization meeting, learning its powers and duties, working out a budget and planning its work.

The second step is research. The existing form of government is studied and local officials are interviewed. The commission also explores potential alternatives. They may interview officials from other types of municipalities, attend workshops and training courses on local government, visit other communities and study literature on local government structure.

The third step is a decision of direction – home rule, optional plan or no change. Testing public opinion through public hearings, citizen questionnaires or sample surveys may precede this decision.

The fourth step (assuming home rule is chosen) is drafting a charter. This may involve retaining local government experts or legal counsel. Drafts or sections are reviewed and placed in a tentative charter.

The fifth step is review and public discussion on the draft charter. This usually involves public hearings for citizen input, meeting with officials, submission to legal or local government experts and review by the members themselves.

The sixth step is writing the final report, printing and proofreading the charter and report, and submitting the report to the municipal secretary and the voters.

The final step is the period of voter education up to the time of the referendum. The commission has a duty to maximize public information and discussion on its work.² It is not finally discharged until after the referendum.

In Cambridge Springs Borough, the Government Study Commission organized its work in four stages. For the first five months they gathered information on the structure and operation of the present government, investigated the adequacy and workability of the Borough Code, explored the meaning and implications of the Home Rule Law and weighed the attitudes and opinions of borough residents on local government. The next two months were a period of deliberation when they evaluated their information, considered the options and decided to write a home rule charter. The next seven months were consumed with the task of writing the charter. The final two-month period was occupied with proofreading and printing the charter and drafting and printing the final report.³

The Ferguson Township Government Study Commission began its work with a two-month training period learning state laws and local government in general. For the next two months, they interviewed elected and appointed officials and representatives of civic groups. Three public meetings were held to gather citizen views before the commission decided to write a home rule charter. Preparation of the charter draft consumed six months. During the next three months the draft was viewed by a retained consultant, the commission's legal advisor and Department of Community and Economic Development staff and the final report was written. Another series of public hearings was held on the final version of the charter. The final three months were occupied in publication and distribution of the charter and voter education prior to the referendum.⁴

The first months of the government study commission in Hermitage were spent in organizing and orientation. For the next two months, members studied forms of local government by interviewing officials of other municipalities, attending workshops and meeting with other government study commissions. Township officials were interviewed for the next two-month period, and members studied printed materials. A series of weekly work meetings was held to draft the charter. For the next month, the commission reviewed the charter. For two more

months the commission met with township officials for their reaction, and a second series of open meetings gathered public reaction on the draft. During the last three months, the charter was finalized and the report prepared and submitted.⁵

References

- 1. 53 Pa.C.S. 2921(a); Home Rule Charter and Optional Plans Law.
- 2. 53 Pa.C.S. 2920; Home Rule Charter and Optional Plans Law.
- 3. Final Report of Government Study Commission of Cambridge Springs, Pennsylvania, March 16, 1974, pp. 2-3.
- Ferguson Township Local Government Study Commission Final Report, March 14, 1974, pp. 2-4.
- 5. Township of Hickory Government Study Commission Final Report, March 13, 1974, pp.4-5.

Finances

Funding the operations of the government study commission is the responsibility of the local governing body.
The Home Rule Law does not provide any specific guidelines for the amount of expenses, merely employing the terms necessary and reasonable. It is the responsibility of the commission to work up a budget and present it to the governing body. The amount finally appropriated is subject to negotiation between the two groups. It is important to remember the activities of a commission writing a home rule charter will be spread over at least two fiscal years of the local government.

Often the municipality will offer the commission services without charge. This almost always includes a meeting room or office, and sometimes includes telephone service, office supplies or clerical assistance. School districts, churches or fire companies will also provide places for public hearings in outlying neighborhoods.

Members serve without compensation, but have the right to be reimbursed for necessary expenses. These can include registration fees for training courses and workshops, travel expenses, study materials and meals in certain instances. In a commission writing a charter, the members will contribute hundreds of hours of their own time and the use of their personal talents over a two-year period.

Major expenses for a commission will fall in the areas of secretarial assistance, legal fees and printing costs. Minor expenses will be incurred for office supplies, postage, telephone, advertising and member expenses. Commissions may retain local government experts as consultants for the charter drafting process. In the largest jurisdictions, full-time professional staff has been hired for the duration of the commission's existence.

The Home Rule Law allows the commission to accept privately contributed funds and services. Where these occur, they are usually in the form of donated services such as consulting activity, office supplies or meeting rooms. Cash donations have been rare indeed.

The commission must keep a strict accounting of its funds. The Home Rule Law requires the final report of the commission to include a sworn statement by the members listing in detail the funds, goods, materials and services, both public and private, used by the commission in the discharge of its duties.² Since the report is filed before the final discharge of the commission, the financial statement should include all encumbered and anticipated expenditures. A final financial report should be made to the municipality upon the termination of the commission.

Costs of Government Study Commissions. In a study conducted in early 1981, the Department of Community and Economic Development examined the financial reports of 120 government study commissions. While financial figures are not strictly comparable, they do offer some idea of the cost of operating government study commissions. Amounts are stated in current dollars; no effort has been made to account for inflation. Please be aware that between 1972 and 1980 the consumer price index increased 97.1% and between 1980 and 1999 it went up another 99.4%. A number of the financial reports failed to include final printing costs, somewhat lowering total average figures.

Average Expenditures of Government Study Commissions, 1972-80

Population Range	Average Number of GSCs	Expenditure
under 5,000	26	\$ 979.66
5,000 - 9,999	19	2,027.85
10,000 - 14,999	18	3,464.54
15,000 - 24,999	15	5,199.32
25,000 - 39,999	13	6,455.83
40,000 - 99,999	11	8,637.68
100,000 - 399,999	11	24,719.76
over 400,000	7	70,914.75

Expenditures clearly escalated with the size of the jurisdiction involved. Expenditures within the same population bracket tended to be higher in the Philadelphia and Pittsburgh metropolitan areas than in other parts of the state.

Expenditures were classed into six major categories. Average expenditures for each category, separating county and municipal government study commissions, is shown below.

Average Expenditure of Government Study Commissions, 1972-80

Classification	101 Municipal GSCs	19 County GSCs
Legal assistance	\$539.34	\$2,468.37
Clerical assistance	1,052.85	3,093.72
Consultants/research	988.05	14,320.72
Travel/training	78.45	1,567.81
Operational expenses	916.08	4,910.02
Printing	1,234.67	11,606.20
TOTAL	\$4,809.47	\$37,966.86

References

- 53 Pa.C.S. 2919; Home Rule Charter and Optional Plans Law; McDermott v. Board of Commissioners, 74 D.&C.2d 167, at 174, 1974.
- 2. 53 Pa.C.S. 2921(b); Home Rule Charter and Optional Plans Law.

Consultants

One of the first actions of the government study commission will be to look about for help. Help is readily available in various degrees and kinds. The Home Rule Law specifically allows a commission to retain consultants. Available local resources and the complexity of the government being studied help determine the need for outside assistance.

In large jurisdictions with complex administrative structures, it has been the practice for government study commissions to hire full-time professional staff. The Pittsburgh Government Study Commission hired a staff of six; executive director, solicitor-legislative drafter, office manager, clerk-typist, organizer-researcher and public information consultant. The Erie County Government Study Commission paid staff consisted of an executive director, two secretaries, three interns and legal consultants.

In cases where full-time staff is unnecessary or undesirable, a commission may retain a consultant or firm for specific tasks. Six months into its operation, the Upper Darby Township Government Study Commission retained the Fels Center of Government at the University of Pennsylvania as consultant. Staff from Fels conducted a study of the existing government, helped with discussion of alternatives and assisted in drafting the charter. Haverford Township Government Study Commission engaged the Pennsylvania Economy League to assist in drafting their charter. The vast majority of study commissions paid legal advisors to assist in drafting or to review their charter drafts.

For communities where financial limitations or small size preclude professional staff or paid consulting assistance, considerable help is available to allow the commission members to discharge their duties on their own. Assistance is sometimes free; a college professor served the Mansfield Borough Government Study Commission as a free consultant and the borough solicitor acted as legal counsel at no cost. For purposes of orientation, the Department of Community and Economic Development has expert staff in its central and regional offices to outline the duties of the commission and explain the nature of its work. Members of government study commissions who served neighboring communities can also give valuable assistance.

During the period of study and research, much help is available. Past and present officeholders can provide invaluable information on the actual operations of the existing government. Colleges or universities in the region may have experts on municipal government. Local chapters of the League of Women Voters may have studied facets of the governmental structure or operations. Local librarians can research bibliographies and help commission members obtain printed materials on local government. Officials from municipalities with differing structures can be interviewed on their experiences.

In drafting and review of home rule charters, commissions usually pay for some legal advice. Sometimes the municipal solicitor provides it or a firm with local government expertise is retained. Both the Department of Community and Economic Development and the Pennsylvania Economy League have assisted in reviewing drafts. College faculty members specializing in local government have also assisted, sometimes donating their services and sometimes working on a retainer. The Upper Providence Township Government Study Commission enlisted the aid of resident attorneys to help evaluate charter drafts.

The record of government study commissions elected in Pennsylvania is testimony to the fact citizens elected by their neighbors can adequately discharge their duties, usually with a minimum of assistance. The Home Rule Law provides each commission flexibility to arrange its operations to fit its own needs and meet community expectations.

Reference

53 Pa.C.S. 2919(b); Home Rule Charter and Optional Plans Law.

Records

Handling and organizing written material will be a major concern for government study commissions. Members should be provided with folders or binders to hold minutes, reports, studies and drafts of charter articles in an organized fashion.

Minutes must be taken of all public meetings of the commission and promptly recorded. These minutes are classified as a public record and must be open for inspection by any citizen. Many commissions make copies of their minutes available to local news media, send copies to local officials or place them in the library or municipal building for easy access by citizens.

After the discharge of the commission, all records, tapes, minutes of meetings and written discussions of the commission must be turned over to the municipal clerk or secretary for permanent safekeeping.³ Under the Records Retention and Disposition Schedule for Municipalities, government study commission hearing transcripts and reports must be preserved for a minimum of five years.⁴ Minutes and formal records, including the final report and recommendation of the commission, are permanent records.

Accuracy is important, especially in dealing with various drafts of a home rule charter. The commission should be sure the final version of the proposed home rule charter is letter perfect and all copies are identical. Varying versions of the McKeesport Home Rule Charter raised difficulties when it came time to implement the charter by electing officers.⁵

References

- 65 Pa.C.S. 706; Sunshine Act.
- 65 P.S. 66.2; Open Records Act.
- 53 Pa.C.S. 2921(d); Home Rule Charter and Optional Plans Law.
- 4. 46 Pa.Code 15.53.
- Winters v. Papadakos, Allegheny County Court of Common Pleas, GD 75-2478, 1975.

Public Relations

Communication with the public is necessarily a critical element of the government study commission's activities. Because the commission is to study the local government and consider recommendations for change, the widest possible input of citizen opinion and information will be needed to help guide the commission's work. If the commission's recommendations are to receive a fair and informed hearing, they must keep the voters apprised of their ongoing activities. The Home Rule Law requires each commission to hold at least one public hearing and to provide for the widest possible public information and discussion on the purpose and progress of its work.

Regular meetings of commissions are open to the public and efforts are made to encourage attendance. These include publicizing meetings in the local papers, sending requests to community organizations asking for representatives to testify and setting aside a time period for the general public to offer comments. In geographically large jurisdictions, meetings are sometimes rotated into different neighborhoods. In spite of these efforts, commissions usually experience very low attendance from the general public.

Public hearings and public forums are usually better attended, but here again turnout is usually disappointing. Sometimes preliminary material is either mailed to households or printed in local newspapers immediately before public hearings. Public hearings should include a planned presentation along with a discussion period. Outside speakers, local officials and representatives of organizations can be invited to speak.

Except in the very smallest communities, government study commissions will have to rely on the media to reach out to the public. Often local newspapers or broadcasting stations are supplied with agendas of upcoming meetings and copies of minutes. Many commissions report very substantial coverage by the media. Some public hearings in Pittsburgh were even televised live. In Carbondale, the commission made weekly five-minute reports on local radio and members appeared on three half-hour radio shows. Establishing and maintaining satisfactory relations with the local media is the basis for fulfilling the commission's mandate to maximize public information and discussion.

Additional methods of public contact have been employed by several commissions. In Peters Township, commission members participated in nineteen neighborhood coffees where the informal setting encouraged citizens to express their views. Plymouth Township Government Study Commission appointed citizens to membership on subcommittees. In Coatesville, Marple, Haverford and Radnor, citizen advisory boards were appointed to assist the commissions in reviewing charter drafts and participate in public information efforts.

Questionnaires and voter surveys were used in a large number of cases. They serve a dual purpose, gathering citizen opinion on local government and generating public interest in the government study commission's activities. Questionnaires printed in newspapers had the lowest return rates. Mail-out and mail-back surveys had somewhat better response. The best response occurred when there was personal contact through individual interviews or where community organizations assisted in delivering and collecting questionnaires.

Copies of the final report are usually mailed or delivered to every household in small communities. In larger jurisdictions, they are sometimes printed as a supplement to newspapers or summaries are mailed with instructions on how to obtain the complete report.

Warren Borough Government Study Commission held two public hearings. They published a synopsis of the present form and options for change in the local paper before the first hearing. The completed charter draft was published before the second hearing. Commission members appeared in over 20 speaking engagements before local organizations. A questionnaire printed in the paper elicited 150 responses.²

The Chester County Government Study Commission conducted an extensive public relations program. Commission members wrote articles on aspects of their work in a regular program of weekly press releases to county newspapers. Public hearings were held in each of the county's 11 school districts. A brochure on the meaning of the Home Rule Law and the work of the commission was written and more than 23,000 copies were distributed. The commission conducted 4 separate public opinion surveys. A newspaper survey asked for citizen input on basic issues. Questionnaires were distributed to those attending public hearings. The West Chester University Department of Political Science conducted a random telephone poll. A survey of planning issues was sent to local elected officials, planning commission members and planning officers. Student projects or presentations by commission members were conducted in 8 senior high schools.³

In Murrysville, a questionnaire asking opinions on all phases of local government was mailed to 12% of the registered voters and printed in the local paper. Two public hearings were held. The preliminary draft of the charter was printed and delivered to all households before the second public hearing. To help the commission keep the public informed on the progress of the charter, a citizen advisory commission was appointed, composed of 42 people representing local civic, social, political and religious organizations. Commission members spoke to civic organizations and high school social studies classes.⁴

References

- 1. 53 Pa.C.S. 2920; Home Rule Charter and Optional Plans Law.
- 2. Final Report and Proposed Home Rule Charter, Warren Borough Government Study Commission, March 10, 1975, pp. 7-8.
- 3. Final Report and Recommendation of the Chester County Government Study Commission, February 13, 1974, pp. 11-13.
- 4. Home Rule Charter and Report for the Municipality of Franklin, February 17, 1976, p. 45.

Final Report

The most critical element of the commission's relationship with the public is writing and distributing the commission's final report. The final report is the summation of the commission's work. Because the public will consider the commission's recommendations, the importance of this document cannot be overemphasized. The commissioners will spend most of their time considering various viewpoints, discussing the advantages and disadvantages of various governmental mechanisms and deliberating on the recommendations they will make. The final report constitutes the end result of this activity.

The final report is important for at least two reasons. The first stems from the very purpose for the study commission. Since the study commissioners represent the voters, the commission has a responsibility to report its activities to the people. A second reason for the report springs from the necessity for the voters to consider the commission's recommendations. If the commission's recommendations are to go into effect, the voters must first give their approval. This means the commission's final report plays a central role in informing the voters on the choice they must make.

The commission's final report should be a document of information and explanation. Before making their recommendations, the commissioners will have spent months reviewing the present government and gathering information on possible changes. The final report should summarize the commission's experience in this process. Since the voters themselves cannot assume the task of gathering information on the local government, the commission's final report is the tool to transmit this information to the voters.

Since it is meant for wide distribution among the community's residents, the commission's final report should be written with this audience in mind. Above all else, the report should be written in a style easily readable to the average voter. Communities include people with many different backgrounds, occupations and interests. The commission should strive to reach as many of these individuals as possible with the final report.

Most voters do not have the time or patience to wade through a massive, complex document. The final report should be logical, clear, readable and as brief as possible without ignoring essential elements. After reading the report, local voters should have sufficient knowledge and information to make an informed decision on the recommendation to be placed before them.

Contents of Final Report. The study commission recommending a home rule charter must produce two documents.¹ The first is the home rule charter itself, and the second is the commission's accompanying report explaining its findings and the reasons for its proposal to change the local government. The commission recommending an optional plan of government or no change need produce only a final report. In any event, the final report should follow a basic format. The study commission may want to review final reports produced by commissions in other municipalities as examples. The basic elements appearing in most reports are listed below.

- A table of contents.
- A cover letter from the study commissioners to the voters and the local governing body.
- The summary of the commission's recommendations including the date for the referendum on the recommended change and the effective date of the new form if it is approved by the voters.
- A brief explanation of the purpose of the commission under the Home Rule Law.
- 5. The organization and activities of the study commission, including the date of the commission's election and a listing of the commissioners. The report on the commission's activities can include the number and types of meetings, organization of the commission and its style of operation, and the individuals and groups tapped for advice.

- 6. A summary of the commission's findings on the present form of government.
- Organization charts of both the present governmental form and the structure recommended by the commission.
- 8. An explanation of the recommended form and the advantages it will confer.
- 9. A survey of the areas of municipal government to remain unchanged under the new form.
- Recommendations for establishing a committee to review problems of transition to the new form of government.
- 11. Relevant extracts from the Home Rule Law.
- The required statement of the funds, materials and services used by the commission, and the suppliers
 of such resources.

These elements do not have to appear in the order listed, but the final report should give sufficient attention to each of them to give the voters a comprehensive review of the commission's work and an explanation of its recommendations.

The opening letter of transmittal should be a brief statement from the commission to the voters and the members of the governing body. The letter should outline the general purpose of the commission. Following this opening letter should be a summary of the commission's recommendations and an explanation of the values forming the basis for the commission's decisions.

The report should include the text of the question, as specified by the Home Rule Law, to be placed on the ballot and the date of the election. If the study commission wants to put an interpretive statement explaining the question on the ballot, then it should also be added. The interpretive statement should succinctly describe the new form of government resulting from a "Yes" vote. A "No" vote is to retain the existing form of government. The report should also specify the date the new form of government will go into effect if the change is approved by the voters.

Subsequent sections of the report should describe the activities of the commission, as well as offer justifications or the recommendations the commission proposes. As background to the commission's work, the report might briefly discuss the Home Rule Law. The report should then outline the establishment of the commission and list the commission members.

The way the commission arrived at its recommendation may be as significant as the recommendations themselves, so the final report should give sufficient attention to the organization and activities of the commission. A discussion of matters such as the number, frequency and types of commission meetings and the methods of deliberation will increase the voter's knowledge and appreciation of the commission's work. The commission will have spent much time searching for information; and the procedures and sources used in this search should be discussed in the final report.

The commission's conclusions concerning the present form of government and the reasons for suggesting a change will constitute perhaps the most important section of the report. The commission must justify any change it recommends to the voters. The commission should outline in detail what it considers are the short-comings in the present governmental form and the way they will be remedied if a change is approved.

If the commission recommends a home rule charter, the final report should clearly outline the advantages this charter will offer over the present form of government. The report should clearly define the nature of home rule and indicate changes the home rule charter will allow and why such changes are desirable. If the commission recommends an optional plan of government, the final report should discuss the advantages of the recommended plan over the present form of municipal government. The final report should contain organization

charts of both the current and the recommended structure of government. Accompanying text should clearly indicate the differences between both structures and a reasoned analysis of the advantages found in the recommended form.

The final report should also note those areas of municipal government to remain unchanged if the commission's recommendations are accepted by the voters. Voters should know the legislated limitations on home rule powers as well as limitations written into the charter. In addition, many charters continue a large percentage of current governmental arrangements.

If the voters approve the recommended change, plans will have to be made for transition to the new form. For example, an administrative code should be drafted before the newly adopted plan goes into effect. In its final report, the study commission should recommend the governing body appoint a committee to deal with matters of transition to the new form.

Two additional elements must be included in the final report. The Home Rule Law requires the final report to contain the complete plans as recommended. For example, if a council-manager optional plan is recommended, the report must contain those excerpts from the Law in any way relating to the operation of the plan. These excerpts would include the text of the plan itself, the general provisions and limitations for optional plan municipalities, and the general provisions common to optional plans. If a home rule charter is recommended, the final report should include the complete text of the proposed charter.

Finally, the Home Rule Law requires the commission's report include a financial statement, sworn to by members of the commission.² It must list in detail the funds, goods, materials and services, both public and private, used by the commission in the performance of its work and the preparation and filing of the report. The list must specifically identify the supplier of each item noted.

Other Recommendations. The language of the Home Rule Law authorizes the government study commission to recommend "... such other action as it may deem advisable consistent with its function..." This clause is used most commonly to recommend creation of a transition committee if the voters approve change. It has been used by government study commissions recommending no change. These commissions feel change to home rule or an optional plan is not necessary. However, their study of the present form of government has disclosed areas where changes are desirable and can be accomplished within the present system.

Most frequent among such recommendations have been hiring a professional manager or expanding the manager's duties, establishing better communications and response to the public, adopting administrative codes and personnel policies, and including long-range capital planning in the budgeting process. Admittedly, these steps are often central features of home rule charter proposals, but some commissions feel these changes are best instituted in the context of the current government form.

Some recommendations fall in functional rather than structural areas. These have included building a township building, instituting an historic preservation program, establishing a police department and pressing for improved public transportation.

Some commissions have recommended placing another government study commission question on the ballot at a later date. The first Bethel Park study commission was restricted by its ballot question to considering optional plans of government. After completing its study, the commission found the borough needed a home rule charter, so it recommended no change from the present form and the election of second government study commission with the power to draft a home rule charter.⁴

The Scranton Government Study Commission has been unique in submitting an administrative code to the voters along with the proposed home rule charter. The charter stipulated the administrative code became effective on the effective date of the charter, but could be amended in the future by ordinance of council.⁵ All other

study commissions have decided against drafting an administrative code. They have either recommended a transition committee to draft this document, or provided in the proposed charter for the new governing body to draft and adopt an administrative code.

The second government study commission in Franklin City examined the operation of the city government under the home rule charter adopted in 1974. The government study commission report proposed a series of amendments to the existing charter.⁶ Twenty-three paragraphs of the charter were affected by the proposal, including provisions for the election of council members, appointment of a city clerk, alteration of the initiative and referendum procedures and limiting terms for appointed members of boards and commissions. The amendments were presented to the voters as a single proposal to adopt the recommendations of the study commission.

Amending the Final Report. A government study commission recommending a home rule charter or an optional plan is not discharged until after the referendum. At any time up until 60 days before the election, the commission can modify or change any recommendation by publishing an amended report. Any amended report issued supersedes all prior final reports.

The Upper Dublin Township Government Study Commission published its first draft charter in the local newspaper in February 1974, then held three public hearings to receive comments on the draft. After making numerous changes, the commission published its report and proposed charter in April. A copy was mailed to each household. The commission called on the public for further recommendations and held four more public forums and two meetings with the board of commissioners. The proposed charter was revised and an amended report issued in August with the referendum scheduled for November.

In Radnor Township, the government study commission filed its final report in May 1976 to meet the 18-month deadline in the Home Rule Law. The report was widely distributed and four public meetings were held in July and August. The commission voted to amend the proposed charter in several minor respects and issued an amended final report in August. The amended version of the charter was approved by the voters in the November election.

Minority Reports. Often adoption of the final recommendation of the government study commission is by a less than unanimous vote. The Home Rule Law requires the recommendation to be adopted by a majority of the whole number of members. A number of study commissions have included statements by dissenting members within their final reports. The Chester County Court of Common Pleas found, "It is undisputed that Act No. 62 neither directs nor even contemplates the publishing or filing of 'minority' reports or of the individual views or comments of each member of a government study commission." The court found inclusion of a minority report in the final report of the Chester County Government Study Commission was discretionary with the commission, and not mandated by the Home Rule Law.

In Chester County, 6 of the 9 members of the government study commission recommended adoption of the council-manager optional plan. This proposal was placed before the voters. The final report included statements from each of the 3 dissenting members, two urging home rule and the other supporting no change. ¹² In Ross Township, the majority of the commission recommended no change. The final report included as an addendum an 11-page position statement favoring adoption of a home rule charter signed by 4 of the 11 members. ¹³ In Warminster Township, the commission majority proposed a home rule charter. The final report included a minority report by one member opposing the charter and a concurring report by two members agreeing with placing the charter before the voters, but expressing reservations on specific provisions. ¹⁴

Printing and Distributing Report. The Home Rule Law directs each government study commission to publish or cause to be published sufficient copies of its final report for public study and information, and to deliver sufficient copies to the municipal clerk or secretary to be supplied to any interested citizen on request.

Study commissions have taken various approaches to this mandate. Some have printed complete reports and distributed them to each registered voter or each household, either by mail or by hand with the cooperation of a

local civic group. Others have printed the final report as an insert in a local newspaper circulating within the jurisdiction with additional copies available on request. Some have made the complete report available at the municipal office, local library or other location while mailing a summary brochure or statement to the voters. In Chester County, printing and mailing 80,000 summary brochures of the commission report was found by the court to be consistent with the requirements found in the Home Rule Law.¹⁶

In most cases, printing and distributing the final report has been a responsibility of the government study commission and funded from its budget. In a few instances, the local governing body has undertaken the cost of printing and distributing the report.

References

- 1. 53 Pa.C.S. 2921(a); Home Rule Charter and Optional Plans Law.
- 2. 53 Pa.C.S. 2921(b); Home Rule Charter and Optional Plans Law.
- 3. 53 Pa.C.S. 2923; Home Rule Charter and Optional Plans Law.
- 4. Plan for Progress in Bethel Park; A Report of the Government Study Commission, August 7, 1973, p. 14.
- Home Rule Charter of the City of Scranton, 335 Pa.Code 11.13-1301.
- 6. Final Report of the Second Franklin Government Study Commission, June 28, 1982, p.12.
- 53 Pa.C.S. 2922; Home Rule Charter and Optional Plans Law; McDermott v. Board of Commissioners, 74 D.&C.2d 167, at 173, 1974, C.P. Chester Co.
- To Improve Our Township Government; Recommended Home Rule Charter for Upper Dublin Township, Amended Report of the Government Study Commission, August 28, 1974, p. xii.
- Proposed Home Rule Charter for Radnor Township; Final Report, Government Study Commission of Radnor Township, August 18,1976, As Amended, pp. iii and xv.
- 10. 53 Pa.C.S. 2916(b); Home Rule Charter and Optional Plans Law.
- 11. McDermott, supra, at 175.
- 12. Chester County Government Study Commission Final Report and Recommendations, February 13, 1974, pp. 32-34a.
- Report to the Citizens and Commissioners of Ross Township of the Government Study Commission, February 26, 1974, Addendum II, pp. I-xi.
- Township of Warminster Final Report and Proposed Home Rule Charter of the Government Study Commission, February 3, 1979, p. 10.
- 53 Pa.C.S. 2921(a); Home Rule Charter and Optional Plans Law.
- 16. McDermott, supra, at 174.

Discharge of the Commission

If a commission recommends no change, it is discharged on filing its final report. If the commission recommends a home rule charter or optional plan, it is not discharged until after the referendum. Before its discharge, the commission should prepare a final financial report for the appropriate officer of the local government if there are any additions to the report included in the published final report. All records, tapes, reports, minutes or other written documents must be turned over to the custody of the municipal clerk or secretary.

References

- 53 Pa.C.S. 2922(a); Home Rule Charter and Optional Plans Law.
- 2. 53 Pa.C.S. 2921(d); Home Rule Charter and Optional Plans Law.

Personal Experience of Commission Members

A study of the home rule experience in 7 Pennsylvania jurisdictions in 1973 and 1974¹ found study commissioners tended to be long-term residents of their communities. Although they represented a wide range of occupations, most were above average levels for their community in educational attainment, occupational status and

income. Members were heavily involved in civic organizations and one third had held some appointed or elected position in local government.

Government study commission members spent an average of 10 hours a week on commission work, with some spending 20 hours or more per week. Study commissions tended to be dependent on a portion of their members for leadership and expertise on local government matters. In general, there was little disagreement on procedural matters and members felt their commission was well organized and deliberations were focused on the most important issues.

The expectations of what was to be gained from the study commission process focused on the potential for restructuring the local government with very little concern directed to the potential for increased local discretion and autonomy. Differences of opinion were most common over proposals for marked departure from the current structure. Commission members were most likely to divide over the method of electing the governing body where possible gains or losses for particular groups or areas were perceived.

Many members did not realize the magnitude of work involved in the government study commission process, the potential for conflict and political implications or the difficulty in generating public support for the commission's activities. Almost half the commission members interviewed felt it was very difficult to assimilate all the testimony and information collected and use it to develop recommendations for change. Members of county government study commissions had a greater problem dealing with technical issues than those studying municipal governments.

The greatest disappointment expressed by commission members was the low level of public involvement and interest in the commission's activities. Many study commissions reported meager turnouts at both regularly scheduled meetings and specially advertised public hearings. There was also some dissatisfaction arising from the need to sacrifice full discussion of all issues to the need to meet the deadline for making the commission's report.

Study commissioners felt the most valuable aspect of their service was the experience of compromise and consensus building. They also found hearing candid testimony on local government matters satisfying. Most indicated they would repeat the experience if they had to do it over.

In giving some Dutch uncle advice to prospective study commission members, the National Civic League lists particular do's and don'ts for commission members.³ These focus on keeping an open mind, being willing to compromise and getting feedback on ideas from individuals experienced in local government operations.

References

- Larry Gamm, Joseph James and Joseph Karlesky, Home Rule and Local Government Change Efforts: A Comparative Study of Seven Pennsylvania Communities, State College: The Pennsylvania State University, College of Human Development, 1974.
- 2. Larry Gamm, "Pa. Local Government Study: Observations by Commissioners," National Civic Review, September, 1975, p. 400.
- 3. A Guide for Charter Commissions, New York: National Municipal League, 1972, p. 20.

Exhibit 3

MILLCREEK TOWNSHIP GOVERNMENT STUDY COMMISSION BUDGET

Initial Budget: January 6, 2012

Progressive Budget Report: August 28, 2012

	90 2013		
Personal Expanse Report (8/28/2012)			
Progressive expense report (0/ 20/ 20/ 2022)			
Category	Costs to Date	Budgeted Amount	Notes:
Training Courses/Workshops		400.00	
Clerical Assistance		5,300.00	
Legal Fees/Assistance		2,700.00	
Printing Costs		6,200.00	see below
Consultants/Research		5,000.00	
Operational Expenses	150.00	4,600.00	video taping
Study Materials		700.00	
Office Supplies	29.33	350.00	
Secretarial Assistance	725.00	2,600.00	stenographer-Ferguson & Holdnack
Postage		500.00	
Advertising	1,459.00	500.00	vacancy ad & final announcement
Member Expenses		700.00	
Total	2,363.33	29,550.00	
Misc. Income	20.00		sale of meeting dvd
Net Costs to Date: 8/28/2012	2,343.33		
Accounts Payable	875.00		printing of final report/25 copies
Net Commission Costs	3,218.33		all paid and unpaid invoices

MILLCREEK TWP

Detail General Ledger Report From Date: 1/1/2012 - To Date: 7/31/2012

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Detail General Ledger Report From Date: 1/1/2012 - To Date: 7/31/2012

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user: Sue Bardo

Millcreek Township Government Study Commission

We, the undersigned, hereby swear or affirm that the foregoing financial information is true and correct to the best of our information, knowledge and belief.

Richard Millhouse	The Mille
Douglas Prozan	All. Zan
William Lamberton	Delen Landeto
Jason Owen	Jan My Chr
Robert Praetzel	Oster (huze
Brain Paul Martin	Ball
Joy Greco	Doy Green

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ERIE

On this, the Am day of August, 2012, personally appeared Richard Millhouse, Douglas Prozan, William Lamberton, Jason Owen, Robert Praetzel, Brain Paul Martin, and Joy Greco known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Tile of Officer

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal Phyllis A. Volibrecht, Notary Public Millcreek Twp., Erie County My Commission Expires Jan. 21, 2014

Member, Pennsylvania Association of Notaries

Exhibit 4

DEMOGRAPHICS AND FINANCIAL

INFORMATION OF THE TOP 25

TOWNSHIPS IN PENNSYLVANIA

TOP 25 TOWNSHIPS IN PENNSYLVANIA BY GENERAL FUND \$ PER HOUSING UNIT

	\$/HUnit	Pop.	Hous.Units	GF Exp.
Lower Merion	2,235	57,825	24,095	53,845,000
Mt. Lebanon	2,178	33,137	15,040	32,751,290
Radnor	2,177	31,531	10,814	23,544,029
Upper Merion	1,961	28,395	12,800	25,096,210
Tredyffrin	1,664	29,332	12,679	21,100,000
Upper Darby	1,658	82,795	34,113	56,562,277
Cheltenham	1,657	36,793	15,409	25,532,342
Cranberry	1,569	28,098	10,769	16,900,604
Haverford	1,472	48,491	18,350	27,017,963
Abington	1,470	55,310	22,369	32,878,347
Middletown	1,468	45,436	17,316	25,426,000
Bensalem	1,376	60,427	25,246	34,742,500
Ridley	1,376	30,768	12,667	17,434,800
Warminster	1,257	32,682	13,418	16,870,417
Northampton	1,255	39,726	14,274	17,907,500
Manheim	1,198	38,133	15,827	18,960,000
Bristol	1,120	54,582	20,887	23,404,744
Penn Hills	1,178	42,329	20,342	23,955,000
Lower Makefield	1,114	32,559	12,184	13,572,000

Hempfield *	1,013	43,241	18,645	18,881,273
Millcreek	962	53,515	24,271	23,360,000
North Huntingdon	954	30,609	13,018	12,419,400
Ross	947	31,105	14,909	14,115,268
Lower Paxton	856	47,360	21,178	18,123,667
Shaler	<u>847</u>	28,757	12,527	10,614,855
Tot.	34,962	1,042,936	433,147	605,015,486
Avg.	1,398	41,717	17,326	24,200,619

^{*} Shown with \$7,400,000 for Police, to equalize GF Budget with Millcreek. Without \$7,400,000 \$683. No police -use Pa State Police -no cost.

12/14/11

DEBT PER HOUSING UNIT OF 25 MOST POPULATED TOWNSHIPS IN PA.

TOWNSHIP Lower Merion	\$/Housing Unit 3,943	<u>DEBT</u> 95,000,000	<u>HUnits</u> 24,095
Cranberry	2,786	30,000,000 per Twp Mgr	10,769
Penn Hills	2,527	51,400,000	20,342
Bensalem	2,060	52,000,000	25,246
Middletown	1,746	30,229,000	17,316
Radnor	1,643	17,768,990	10,814
Northampton	1,611	23,000,000	14,274
Haverford	1,592	29,215,000	18,350
Mt.Lebanon	1,496	22,500,000	15,040
Tredyffrin	1,478	18,745,000	12,679
Upper Merion	1,082	13,850,000	12,800
Lower Makefield	1,019	12,411,000	12,184
Bristol	989	20,665,000	20,887
Manheim	957	15,145,000	15,827
Upper Darby	603	20,564,000	34,113
Hempfield	591	11,020,300	18,645
Warminster	546	7,332,129	13,418
Ridley	434	5,500,000	12,667
Ross	402	6,000,000	14,909
Lower Paxton	227	4,800,000	21,178
Cheltenham	177	2,731,000	15,409

North Huntingdon	151	1,971,961	13,018
Shaler	104	1,300,000	12,527
Abington	70	1,557,868	22,369
Millcreek	<u>21</u>	516,667	24,271
Tot.	28,255	498,222,915	433,147
Avg.	1,130.20	19,928,917	17,326
Millcreek	21	516,667	24,271
Difference	-1,109.20	-19,412,250	+6,945

12/21/11

EXECUTIVE/ELECTED OFFICIAL SALARY/COST 25 MOST POPULATED TOWNSHIPS IN PA.

TOWNSHIP	SALARY/COST	POPULATION
Upper Darby	480,250	82,795
Cranberry	434,326	28,098
Lower Merion	432,120	57,825
Radnor	376,281	30,910
Shaler	334,600	28,757
Penn Hills	326,304	43,329
Abington	320,000	55,310
Mt. Lebanon	303,430	33,137
Haverford	299,715	48,491
Manheim	290,214	38,133
Northampton	278,000	39,726
Upper Merion	275,067	28,395
Lower Makefield	247,087	32,559
Ridley	225,000	29,735
Tredyffrin	224,293	28,943
Bensalem	224,232	60,427
Cheltenham	304,200	36,793
Millcreek	219,600	53,515
Lower Paxton	237,000	45,404
Warminster	191,353	32,682

North Huntingdon	190,755	30,609
Middletown	177,000	45436
Bristol	175,449	54,582
Hempfield	158,100	41,293
Ross	132,768	<u>31,105</u>
Tot.	6,851,144	1,042,936
Avg.	274,046	41,717
Millcreek	219,600	
Difference	54,446 / yr.	
6 years saving for MT	326,676	

12/21/11

EXECUTIVE AND ELECTED OFFICIAL STAFF TALLY OF TO 25 TOWNSHIPS BY POPULATION IN PA.

Class	1st 2nd 1st 1st 2nd 2nd 2nd 2nd 1st 1st 1st HR HR HR	2nd HR HR 2nd 1st 2nd
Total	7 10 11 11 10 10 10 10 10 10	7 13 10 8 8
		1 PR 1Adm Asst
Other	2 1 HR 1 HR 2 2 1 Exec. Asst.	1 Dept Dir 1 Adm Asst 1Ex. Asst
Superv.	8 2 2 2 X	5 5
Commiss- ioners	14 15 6 7 7 5	
Council	n n w	11
Asst.		
Twp.	нана нанананана	
Deputy <u>Mayor</u>		н
Mayor	ц	
Twp.	Bristol Bensalem Lower Merion Abington Millcreek Haverford Penn Hills Hempfield Lower Paxton Northampton Ross Manheim Lower Makefield Ridley Radnor Tredyffrin North Huntingdon Cranberry	Middletown UpperDarby Cheltenham Warminster Shaler Upper Merion

PR and HR not included in Exective/Elected Official Staff cost. OtherCranberry Township Assistant Township Managers costed at 70%. 30% charged to a department. Asst.Mgrs

1st Class 8 2nd Class 10 H. Rule 7

12/21/2011

POLICE COST PER HOUSING UNIT OF 25 MOST POPULATED TOWNSHIPS IN PA.

TOWNSHIPS	\$/Hous. Unit	Police Budget	Hous. Units
Upper Merion	910	11,652,160	12,800
Bensalem	841	21,222,260	25,246
Lower Merion	829	19,965,118	24,095
Upper Darby	713	24,333,834	34,113
Haverford	697	12,797,000	18,350
Abington	667	14,923,087	22,369
Bristol	658	13,733,502	20,887
Tredyffrin	655	8,300,000	12,679
Middletown	590	10,218,000	17,316
Cheltenham	586	8,438,256	15,409
Manheim	569	9,000,000	15,827
Mt. Lebanon	535	8,040,470	15,040
Warminster	506	6,790,599	13,418
Ridley	474	6,000,000	12,667
Radnor	458	4,954,500	10,814
Ross	406	6,054,503	14,909
Northampton	402	5,745,000	14,274
Cranberry	389	4,188,865	10,769
Penn Hills	368	7,482,595	20,342
North Huntingdon	336	4,368,620	13,018

Lower Makefield	328	4,001,198	12,184
Millcreek	304	7,388,065	24,271
Shaler	288	3,602,674	12,527
Lower Paxton	263	5,562,256	21,178
Hempfield *	000	0,000,000	18,645
Tot	12,772	228,762,562	433,147
Avg.	510.88	9,150,502	17,326

12/21/11

Does not have township police department. Use Pa. State Police

FIRE PROTECTION COST PER HOUSING UNIT OF 25 MOST POPULATED TOWNSHIPS IN PA.

TOWNSHIPS	\$/Housing Unit	Fire Budget	Housing Units
Upper Darby	264	9,018,925	34,113
Mt. Lebanon	211	3,178,810	15,040
Lower Merion	120	2,901,851	24,095
Northampton	69	985,500	14,274
Abington	91	2,033,333	22,369
Upper Merion	89	1,142,054	12,800
Manheim	88	1,400,000	15,827
Middletown	87	1,506,769	17,316
Cheltenham	85	1,307,354	15,409
Tredyffrin	79	1,000,000	12,679
Lower Makefield	77	941,187	12,184
Warminster	74	993,208	13,418
Lower Paxton	67	1,411,000	21,178
Cranberry	63	675,086	10,769
Bristol	58	1,221,259	20,887
Millcreek	50	1,207,125	24,271
Ross	51	763,626	14,909
Radnor	47	503,104	10,814
Hempfield	41	766,726	18,645
Haverford	40	736,956	18,350

Bensalem	32	812,000	25,246
Shaler	34	422,040	12,527
Penn Hills	29	593,315	20,342
North Huntingdon	18	229,000	13,018
Ridley	<u>12</u>	155,000	12,667
Tot.	1,876	35,905,228	433,147
Avg.	76.48	1,436,209	17,326
12/21/11			

PARKS AND RECREATION COST PER PERSON OF 25 MOST POPULATED TOWNSHIPS IN PA.

TOWNSHIP	\$/Person	Parks&Rec	Population
Mt. Lebanon	82	2,705,000	33,137
Manheim	71	2,700,000	38,133
Tredyffrin	61	1,800,000	29,332
Radnor	58	1,828,510	31,531
Cheltenham	59	2,177,162	36,793
Northampton	58	2,300,000	39,726
Warminster	47	1,530,938	32,682
Upper Merion	41	1,152,092	28,395
Shaler	40	1,142,641	28,757
Upper Darby	33	2,730,205	82,795
Lower Merion	32	1,870,988	57,825
Middletown	31	1,406,228	45,436
Cranberry	32	899,248	28,098
Bensalem	30	1,841,000	60,427
Hempfield	29	1,238,171	43,241
Lower Makefield	29	945,761	32,559
North Huntingdon	22	687,940	30,609
Haverford	20	953,000	48,491
Ross	17	516,728	31,105
Millcreek	16	860,320	53,515

Lower Paxton	14	677,378	47,360
Ridley	11	350,000	30,768
Bristol	11	604,402	54,582
Penn Hills	6	236,811	42,329
Abington	Z	<u>371,641</u>	55,310
Tot.	853	33,526,164	1,042,936
Avg.	34.12	1,341,046	41,717

12/21/11

RANKING OF TOP 25 TOWNSHIPS - TOTAL COMBINED RANKING

OF RANKINGS FOR: General fund \$/Housing Unit, Debt, Executive/Elected Official salary/cost, Police cost/Housing Unit, Public Works/ road mile, Fire Protection/ Housing Unit and Parks and Recreation cost/population, BASED ON LEAST COST.

TOWNSHIP	No. BELOW	TOWNSHIP	No. BELOW
Lower Paxton	28	Bensalem	90
North Huntingdon	32	Northampton	95
Millcreek	41	Haverford	96
Ross	48	Manheim	97
Hempfield	49	Middletown	98
Penn Hills	59	Cranberry	110
Shaler	59	Radnor	113
Lower Makefield	60	Tredyffrin	120
Bristol	63	Upper Merion	131
Ridley	66	Mt. Lebanon	136
Warminster	71	Upper Darby	137
Abington	81	Lower Merion	140
Cheltenham	82		

The final ranking score above is derived by ranking each township in each of the mentioned categories. The number of township category rankings below each township shown, is the final ranking score. The township with the lowest ranking

has the best overall performance. Millcreek ranks as one of the three best performers.

RSM 12/16/11

EFFICIENCY PERFORMANCE RATING TOP 25 TOWNSHIPS

	Dollars Per Housing U.	Debt Per Housing U.	Exec/Elect Salary	Police Per Housing U.	Pub. Wks. Per Rd. Mi.	Fire Prot. Per Hous U.	Parks & Rec. Per Person
25	1	1	1	1	Ī	Ĩ	1
24	1	1	ł	1	1	i	1
23	i	- 1	1	ī	1	I	i
22	1	1	i	1	1	Ĩ	1
21	1	1	1	1	1	1	1
20	1	1	1	ı	1	ł	1
19	ŧ	I	1	1	ŧ	1	ı
18	I	f	i	1	j.	I	1
17	1	1	\$	1	1	1	1
16	1	1	1	* 1	1	1	1
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11	Į	1	1	1		Ī	ł
10	l _a	1	l l	ı		M	1
9	ŧ	1	1	1			ĺ
8	1	1	M	Ī			1
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6	1	1		ŧ			1
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4		ŧ		M			
3		Į					
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	4	0	7	3	14	9	5

Total 42

Low score is favorable, indicating how many other townships are lower in cost than Millcreek.

RSM 4/6/12

^{*} Allowance for additional snow, ice removal and accelerated road deterioration.

HOME RULE

Twp.	<u>Population</u>	Eff. Rank	\$/Hous. Unit				
Mt. Lebanon	33,137	136	2,178				
Radnor	31,531	113	2,177				
Upper Darby	82,795	137	1,658				
Cheltenham	36,793	82	1,657				
Tredyffrin	29,332	120	1,644				
Haverford	48,491	96	1,472				
Penn Hills	42 329	<u>59</u>	1,178				
rem rms	12,323						
Tot.	304,408	743	11,964				
Avg.	43,487	106	1,709				
	0)						
	1ST CLASS	3					
Lower Merion	57,825	140	2,235				
Abington	55,310	81	1,470				
Ridley	30,768	66	1,376				
Manheim	38,113	97	1,198				
Bristol	54,582	63	1,120				
North Huntingdon	30,609	32	954				
Ross	31,105	48	947				
Shaler	28,757	<u>59</u>	847				
Tot.	327,069	586	10,147				
Avg.	40,884	73	1,268				
	2ND CLAS	<u>SS</u>					
Upper Merion	28,395	131	1,961				
Cranberry	28,098	110	1,569				
Middletown	45,436	98	1,468				
Bensalem	60,427	90	1,376				
Warminster	32,682	71	1,257				
Northampton	39,726	95	1,255				
The state of the s	-0						

Lower Makefield	32,559	60	1,114
Hempfield	43,241	49	1,013
Millcreek	53,515	41	962
Lower Paxton	47,360	<u>28</u>	<u>856</u>
Tot.	411,439	773	12,831
Avg.	41,144	77	1,283

RSM 1/25/12

The Business Privilege Tax (BPT) is a business gross receipts tax levied by the township for the Privilege of doing business.

The BPT applies to the gross receipts of all businesses and persons engaged in business, except those of businesses subject to the Mercantile Tax or businesses that fall under the manufacturing or other allowable exclusions or that are subject to gross receipts taxes for services rendered under certain conditions in other municipalities.

For purposes of the BPT, business is defined as any activity carried on or exercised for gain or profit, including but not limited to the performance of services. All businesses, trades, and professions where any service is offered to the general public or other businesses are liable for payment of this tax, except as described above. Businesses subject to the BPT generally include professions such as insurance and other salespeople, real estate and stock brokers, doctors, lawyers, financial consultants, auto mechanics, etc.

Businesses subject to the BPT are required to pay a tax to the township each year equal to the dollars specified for every \$1,000 in gross receipts (\$0.40 to \$4.00). In addition, each business must pay an annual business license fee of from \$5.00 to \$50.00.

Mercantile Tax

The Mercantile Tax (MT) is a gross volume of business tax levied by the township Board of Commissioners upon the privilege of doing certain types of business in the township.

The Mercantile Tax (\$1.00 to \$3.00) is to be paid on the gross volume of business of wholesale and/or retail vendors in goods, wares, and merchandise of every kind, and all persons engaged in conducting restaurants or other places where food, drink, or refreshments are sold. "Gross volume of business" included all receipts whether cash, credit, or other property.

Businesses subject to the MT are required to pay a tax to the township each year equal to the dollars specified for every \$1,000 in gross receipts. In addition, each business must pay an annual business license fee.

RSM 6/11/12

BUSINESS PRIVILEGE AND OR MERCANTILE TAX TOTAL REVENUE FOR THE TOP 25 PA. TOWNSHIPS BY POPULATION

Tot. Exp.	25,096,210	53,846,000	32,878,347	28,612,664	60,319,825	34,747,500	16,900,000	37,580,702	33,472,444	14,237,048	23,955,000	23,404,744	16,870,417	18,881,273	17,434,800	12,419,400	32,751,290	21,100,000	17,907,500	18,960,000	13,572,000	23,360,000	14,115,268	18,123,667	10,614,855
% of Tot. Exp.	33.9	13.6	17.3	19.3	3.7	6.2	11.12	4.99	5.05	6.32	2.7	2.6	2.7	1.6	۲.	= \$8,400	0	0	0	0	0	0	0	0	0
Total Rev.	8,500,000	7,346,000	5,700,000	5,525,000	2,250,000	2,150,000	1,880,000	1,875,000	1,690,000	000,006	640,000	000'009	450,000	300,000	<i>د</i> ۔	Max. \$12,000,000 gross revenue@ .7 mil = \$8,400	0	0	0	0	0	0	0	0	0
Merc. Rev.	3,500,000	(Reported combined)	1,700,000	4,225,000	1,350,000	na	(Reported combined)	375,000	825,000	900,000	390,000	na	225,000	C -	<i>د</i>	Max. \$12,000,000	0	0	0	0	0	0	0	0	0
BP Rev.	5,000,000		4.000.000	1,300,000	900,000	2,150,000		1,500,000	865,000	na	250,000	000'009	225,000	300,000			0	0	0	0	0	0	0	0	0
Township	Upper Merion	Lower Merion	Abineton	Radnor	Upper Darby	Bensalem	Cranberry	Cheltenham	Haverford	Middletown	Penn Hills	Bristol	Warminster	Hemofield	Ridlev	North Huntingdon	Mt Lebanon	Tredvffren	Northampton	Manheim	Lower Makefield	Millcreek	Ross	Lower Paxton	Shaler

Refer to: BUSINESS PRIVILEGE AND/OR MERCANTILE LEVIES FOR THE TOP 25 TOWNSHIPS BY POPULATION FOR THE rsm 6/22/12 BP and Mercantile Tax rates. Exhibit 5

TOWNSHIP INFORMATION:

MEDIA COVERAGE:

OTHER INFORMATION:

FROM 25 TOWNSHIPS IN

PENNSYLVANIA

Attached in this packet is information on the following townships:

Bristol South Fayette
Bensalem West Norriton
Jeff Bartlett Twp. Mgr. moves
Lower Providence Neshannock
Whitemarsh Radnor

Forks & Hilltown Artis & Adams

Lower Macungie Cumru
Dickinson Buckingham
Charlestown Butler

Cherry Hill N.J. West Pikeland

Whitehall Howell

Tyrone Borough Silver Springs North Whitehall Newtown

Logan

A reading of all of this information re townships and people, will give you a feel for what happens in the real world of township government activities.

IS215701 /WF NOV. 2009 - YES

Summary of Commission's Findings and Recommendation for a Change of Government Format to the Council-Manager Plan

After careful deliberation, the Bristol Township Government Study Commission has concluded that a change in government plan is appropriate and beneficial for the citizens of Bristol Township. Currently, Bristol Township is governed under the provisions of Optional Plan C, known as the "Mayor-Council Plan C", adopted by the Township in 1986. The Commission believes that this form of government does not allow for proper accountability of its elected officials, fosters an atmosphere of unprofessionalism, and is inefficient.

The current form of government creates and sustains political tension and inhibits the Managing Director from being able to fully perform his/her duties. Under Optional Plan C in Bristol Township, the Managing Director may be terminated by the Mayor without the support of the Bristol Township Council, thereby taking away the Managing Director's independence from the Mayor and placing the Managing Director in a constant political situation for fear of losing his employment. The "Council-Manager" plan will allow the hiring and firing of the Managing Director only by the elected Council.

Under the Home Rule Charter and Optional Plans Law, the Commission recommends the adoption of the "Council-Manager Plan". Under this optional plan, the office of Mayor is hereby abolished and, instead, replaced with one of the council members being appointed as the President of the Council by a majority of its other members.

Further, under the new government plan, the number of council members will be HAND FICKED!

increased from the current five (5) members to seven (7) members. The new seven (7) member to seven (7) members to seven (8) members to seven (9) members. The new seven (9) member to seven (9) members to seven (10) members

² The text of the relevant provisions of the Home Rule Charter and Optional Plans Law for the "Council-Manager" Plan D is set forth in Appendix "B".

Whether to have the new Council elected at large or by districts was a hotly contested debate among the Commission members. Ultimately, a majority of the Commission prevailed on their position that creating districts would be a step backwards to the era where the Township was divided into wards and each commission member was, in essence, king of their own little part of kingdom within the Township; each vying for their own constituents, rather than for the entire Township. Establishing councilmatic districts would hinder the Council's ability to do what is best for the Township as a whole.

During its investigation, this Commission heard time and again that one of the goals for any government should be to promote increased representation for all of Bristol Township's citizens. We believe that increasing the number of council members will allow for representatives from more diverse areas within the township to run for and, ultimately, be elected to Council. Having more council members will also allow greater accessibility for our citizens to their elected officials.

The Commission believes and, therefore, recommends that the Managing Director be the keystone of the new government. In order to promote efficiency and greater accountability, the duties of the Managing Director are enhanced under the new optional plan. As such, we believe that Council must allow for a strong, independent and motivated Managing Director, permitting that person to oversee the daily functions of the Township's governance without undue IS TO CLOSELY PROVIDE OVER SIGNATION MORE INTERESTED.

Additionally, to further assist in creating greater governmental efficiency, this

Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

Not in Mills

Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

Sugar Cost

Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

The Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

The Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

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The Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

Emergency Management should all be consolidated under the Public Safety Department.

Therefore, only one Director would be overseeing the above named government functions instead having five additional Directors.

The Commission is recommending the addition of one department. We believe that a Human Resources Department should be created to take over those appropriate functions from the other departments, thereby, consolidating duties like hiring practices, civil rights enforcement, bargaining unit contract administration and benefits administration, otherwise allowing the department heads to concentrate on the proper administration of their departments.

Form of Referendum Question and Interpretative Statement

The form of the Referendum question that will appear on the November 3, 2009 ballot is as follows:

The Bristol Township Government Study Commission recommends that Bristol Township adopt the Council-Manager Optional Plan of Government, as well as the other recommendations of this Commission, as authorized by the Home Rule Charter and Optional Plan Laws. Based upon these recommendations, a question will be placed on the November 3, 2009 ballot, at which time the voters of the Township of Bristol will vote on the following question:

"Shall the current Optional Plan of Government of the Township of Bristol be repealed, and the form of government and recommendations in the report of the Government Study Commission, dated August 4, 2009 be adopted as authorized by the Home Rule Charter and Optional Plans Law?"

МО

The following interpretive statement will accompany the question on the ballot:

"A vote of YES is a vote to change the current form of government of Bristol Township, adopting the recommendations of the Bristol Township Government Study Commission. The number of Council members will be increased to seven (7), all elected at-large, the Offices of the Mayor, Treasurer and Tax Collector will be abolished, a Human Resources Department will be created, a transition

ELECTION 09: Bristol Township. No mayor position organisms in 2012 - Difficial

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Bristol Pilot > News

ELECTION'09: Bristol Township: No mayor position beginning in 2012

Published: Friday, November 06, 2009

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BASSTOL TWF

By Joanna Schlicher and Matthew Fleishman; Buckst ocal News com

BRISTOL TWP. - By a margin of more than 20 percent, Bristol Township voters chose to eliminate the position of mayor from their government, beginning in 2012.

With nearly 3,000 votes in favor of the referendum, 60.5 percent of voters felt that seven council members and no mayor would be a more effective government than one with five council members and a mayor.

This vote comes after a study commission recommended the change.

At the Sept. 17 Bristol Township Council meeting, Mike Slipp and Janet Keyser, both members of the government study commission, announced the group's unanimous decision to recommend a substantial change from the current "council-mayor" form of government. According to Slipp, the outgoing form of government has been in place for about 25 years.

The commission met for the first time in December 2008, after local residents voted "overwhelmingly" to form a non-partisan committee to study the way Bristol Township government was run. According to Slipp, the commission was given a budget of \$25,000 for researching ways to enhance or maintain the current form of government. The commission held 18 meetings over the last 10 months. In addition, they held public hearings and meetings, and encouraged public comment.

The commission recommended the township council increase from five to seven members, which Slipp said would help with response to public complaints. They also suggested eliminating the mayor position all together.

"I've never known an elected official in this area not to respond to resident complaints, but I know sometimes you (council) get overwhelmed, and if people don't get the response they want, their perception is that they were ignored," he said.

Slipp also said that a problem with the current government is a lack of definition as to whose role is what. The commission wants the new government to have a strong manager position, and all council members would have GoT to go through the manager department when dealing with residents.

"This will allow council members to be what they should be - policy makers," he said. STRONG DIR, USUILAS

FOLICE IN MICHALL.

"Our goal was to come to a result that all seven commission members could agree on," said Slipp. They were successful, because all seven did agree on the findings.

"I strongly urge a 'yes' vote," said Slipp, in September. "I think it's the right thing to do."

While the shape of the government will change in 2012, Tina M. Davis (15.6 percent), Bob Lewis (13.6 percent), Rick Pluta (13.3 percent) and Tony Tucker (12.9 percent) won four-year terms on Bristol Township Council.

Democrat John P. Monahan (58.8 percent) defeated Republican James H. McCullen, Jr., (41.2 percent) for the position of Bristol Township Executive.

In addition, Kevin P. Wagner and William E. Keyser ran unopposed for the two positions as constable.

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Local/State

Last mayor of Bristol Township

Saturday, Depamber 31, 2011



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Action News

BRISTOL TWP., Pa. - Dacember 29, 2011 (WPVI) — Mayor John Monahan retires for good over the weekend. But it is not because of his age. Monahan is 83. It's because he has the distinction of being Bristol Township's last mayor.

Democratic Mayor John Monahan was making the rounds on Thursday as his two year term is winding down.

Before taking office, Monahan was a Bristol Township council member for 8 years and Sergeant at Arms for the House of Representatives in Harrisburg for 13.

When asked what was his favorite part about being mayor? Monahan replied, "Helping people. I enjoyed people calling."

He was over 80 when he entered office but didn't hesitate to run.

"They needed a candidate, and they came to me and wanted me to run; that was enough," said Mayor Monahan.

83 year old Monshan isn't retiring per se; he will be the last mayor of Bristol Township as the township is going to a council-manager form of government.

"We're going through a change in government, so he's actually the last mayor Bristol Township will ever have," said Jeff Bartiett. "it's kind of an honor, a nice way to go out with the New Year."

In the 2009 elections, voters chose to eliminate the position starting in 2012. The new format includes 7 council members, while the prior format had five council members and a mayor.

Among the expected benefits, the new format is seen as a way to expand representation on the council and help address more public complaints.

Monahan says he believes his role will be adequately distributed among other positions, but he will continue addressing the complaints logged in his book until his term officially expires at the end of the year.

Those who know him aren't surprised,

"They don't make many people like Mayor John Monahan," said Bristol Township resident Craig Cummons.

"He always takes time, no matter who it is. He's got a book in there full of complaints, and he calls everyone of them. It amazes me," said Joan Lamina.

So what next for Monahan?

"I've been offered a few jobs, but I think I'm going to take it easy for a few months," Monahan said.

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New government is now in place

By DANNY ADLER Staff writer | Posted: Wednesday, January 4, 2012 5:00 am

Two years after voters approved a change to their government's structure, Bristol Township's new government is now in place.

While council still has to approve the new government's administrative code, the mayor-less government took effect this week and the now seven-member council held its first meeting on Tuesday. Four new faces joined the council, and new faces joined the township's team, including a new solicitor, engineer and manager, who will make \$27,000 more than the previous administrator.

In addition to those appointments at Tuesday's reorganization meeting, the new majority appointed Councilman Bob Lewis as president and Councilman Troy Brennan vice president of council.

Council members Lewis, Brennan, Craig Bowen, Joe Glasson and Amber Longhitano voted to appoint Bill McCauley as interim township manager at a salary of \$125,000 a year plus benefits. The former manager, Jeff Bartlett, whose employment was effectively terminated when the council appointed McCauley, according to the solicitor, was budgeted to make \$97,594 this year.

McCauley is a former administrative director of Bensalem who resigned from that post shortly after a DUI hitand-run in 2007.

"My DUI has been well-publicized and reported," McCauley told the council and a room of residents after being appointed. "When you make a mistake, the best thing to do is acknowledge the mistake, learn from the experience and move on with your life. I believe that I have done so."

"There is no doubt in my mind that I can be of service to council as you move forward with implementing a new form of government in Bristol Township," he said. "I look forward to working with all of you and accomplishing great things in Bristol Township."

Councilmen Tony Tucker and Rick Pluta, who along with Lewis served on the previous council, voted against hiring McCauley.

"I/ve never even seen who this guy is. I don't know his qualifications. I never had a chance to interview this guy. I'm going to vote no," Tucker said.

Pluta said, "We don't have that money in the budget. Where's this money coming from?"

Brennan said he believes that with McCauley's experience, the new manager will save the township more money than the difference between his salary and Bartlett's. Also, he said the new members aren't taking compensation, so that money can be put toward the manager's pay. "He will save this township bundles of money. You ever hear that you get what you pay for?" he said.

The new majority appointed law firm Flager & Yockey as township solicitor and Gilmore & Associates as township engineer. Tucker and Pluta voted against those appointments. The two also voted against naming Lewis president and Brennan vice president.

Voters overwhelmingly approved a ballot referendum in November 2009 supporting the Bristol Township Government Study Commission's recommendations to change its government. About 60 percent of voters agreed to change the government from a mayor-council plan to a council-manager plan, abolish the mayor's office and increase the number of council seats from five to seven.

This is the fourth time Bristol Township has changed its government in the last half century.



Council re-opens 2012 budget

By DANNY ADLER Staff writer | Posted: Friday, January 20, 2012 5:00 am

Bristol Township's new council on Thursday charged its new manager with tweaking this year's budget to eliminate a slight municipal property tax increase that was approved by the previous council last month.

The council unanimously voted to re-open the 2012 budget, which is allowed under law, and told township Manager Bill McCauley to present a new version to the board at a meeting on Feb. 1.

The council could then approve a new budget at its Feb. 15 meeting. Also Thursday night, the council had to amend its meeting days for next month so it could meet the law's requirements. Solicitor Randall Flager says that changes to the budget must be approved no later than Feb. 15.

In December, the former council approved a budget that raised municipal property taxes by 0.3 mills, or \$5 for a resident with a property assessed at the township average of \$17,877. That increase brought the total township property tax millage to 24.29 mills, or \$434 for the average property owner.

The 0.3-mill increase was in the fire fund to help handle fire hydrant maintenance.

Council President Bob Lewis had asked the council for a motion to re-open the budget "to eliminate the tax increase on our already overburdened residents."

During Thursday night's council meeting, resident Anne Vesce questioned the council on hiring a new manager at a significantly larger salary than the previous one. At the reorganization meeting earlier this month, Lewis and council newcomers Troy Brennan, Craig Bowen, Joe Glasson and Amber Longhitano voted to hire McCauley at a salary of \$125,000 a year, whereas the previous manager was budgeted to receive a salary of \$97,594 in 2012. Councilmen Rick Pluta and Tony Tucker voted against hiring him.

"How can you justify that? Especially since so many department heads got no increases at all," she said.

Another woman said the \$27,000 increase for the manager's post"was a hard hit" but "if he does his job and lowers our taxes, I don't think anyone will question that \$27,000."

Brennan said that if McCauley is able to open the budget and save tax dollars, "he's worth every penny."

In addition to the slight tax increase approved in December, the previous council used \$771,000 in reserves to balance the 2012 budget.

Some residents also asked officials how the new government, which took effect at the beginning of this year, was operating since the council has not yet adopted a new administrative code.

"I just want to know which set of rules we're running under, "Gallus Obert said.

Flager, the solicitor, told audience members that the township is running under the first class township code and the optional plans law, "which is what formed this new government, so it's kind of a hybrid at this point."

After reviewing a draft of the administrative code, Flager said there are "many, many changes that we have made. Some are typos, some are grammatical, some are italics, some are insignificant, and some are significant."

Flager said that in February he will present a proposal to the council and the public for comment. The council will have to advertise the law and hold a public hearing on it.

"Everything is running," Flager said. "The township has a form of government. It's governed by the optional plans law and the first class township code. All the functions of the township can be accomplished. The administrative code will just make it a lot easier."

Flager said the administrative code could be approved in March or April.

Council eliminates tax hike; manager says township 'financially distressed' - phillyBurbs....

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Bristol Township's top administrator on Wednesday delivered a harsh assessment of the municipality's fiscal health, saying that if the township,"is willing to take its medicine and reduce spending, it could avoid a financial Armageddon."

Bill McCauley, the interim township manager, also said a "strong case could be made" that Bristol Township is a candidate for help through Pennsylvania's Ac., 47. Pittsburgh, Scranton and Reading are among the cities in that state program, which helps municipalities recover financially without filing for federal bankruptcy protection.

McCauley's comments came on the same night that the new township council approved the manager's amended \$43.6-million budget for 2012 that eliminates a slight tax increase approved by the previous council last year. The vote was 6-1, with Councilman Rick Pluta voting against it; Pluta said he didn't want a chunk of the manager's salary coming out of the sewer fund, for which the budget calls.

The newly approved 2012 budget eliminates the 0.3-mill municipal property tax hike, which had equated to about \$5 for a resident with a property assessed at the township average of \$17,877........

"The 2012 township budget is of little consequence in the big financial picture," McCauley said in a presentation. In the past, he said, the township operated "with its eyes closed thinking everything was fine."

"This time, however, the train is not headed off the tracks, but over a cliff," he said.

The new 2012 budget is \$105,249 less than the spending plan approved on Dec. 29. While the original budget called for using \$709,000 in savings to balance the budget, the new budget uses \$587,000.

In his alarm-sounding presentation, McCauley said the remaining general fund reserve will dip to \$3.1 million.

McCauley said that \$16.4 million of the \$19.9 million general fund, about 82 percent, goes toward personnel-related costs: salaries, benefits and FICA.

While salaries account for 45.78 percent of general fund expenses, benefits account for 34.75 percent.

"Unfortunately, because the township spends so much for wages and benefits, there is little money left for operating expenses,"he said. "The township will be forced to look at its personnel and benefits costs to get any meaningful reductions in spending,"

Bristol Township employs 152 full timers and three part timers. According to officials, there are 71 police employees, 14 full-time and one part-time non-uniform police employees, 23 full timers in public works, nine in finance, eight in the Fire Marshal's office, seven full timers and two part timers in building and planning, six sewer employees, five in parks and recreation, five in the manager's office and four in community development.

"Bristol Township cannot afford the present size of its organization," McCauley said. "It cannot afford the number of employees it has. It cannot afford any of the overly generous collective bargaining agreements that presently exist."

"The remedy is not pleasant as we all would rather work in an environment of growth. Drastic cuts in spending have to take place," he said.

McCauley said the township's last audit stated that the township had an unfunded liability of \$66.9 million for "other post employment benefits." Also, a previous council voted on a taxable bond deal and borrowed \$11.4 million for the police pension fund, he said.

Additionally, he urged the council "to cultivate an environment that encourages development that will have a beneficial impact on the tax base."

Council eliminates tax nike; manager says township illianiciany distressed - philippuros....

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When resident Gallus Obert asked about a \$173,124 cut to a line item in the police budget, McCauley said it related to "staff services, these are employees sitting at desks."

"We're going to be reducing spending," McCauley said. "It's a personnel matter so I'm not prepared to get into any specifics."

Moments earlier, McCauley said the administration is going to sit down and talk with the township employee unions and try to negotiate cost savings.

According to McCauley, the next job is going to be to reduce spending and get some money reserved for the unfunded liabilities.

"We're going to hit the ground running," he said.

"You have to find alternative income to the property tax everywhere that you can," he told council. "The township also needs to sow the seeds now to expan its tax base."

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Former township manager pleads no contest to tampering with records - www.phillyburbs...

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Former township manager pleads no contest to tampering with records

By Matt Coughlin Staff Writer | Posted: Sunday, March 4, 2012 5:00 am

NOTE

Former Bristol Township manager Suzanne Newsome pleaded no contest to tampering with insurance forms to drop coverage for two injured cops after they were seriously injured in 2005 by a drunken driver.

Newsome entered the plea bargain Friday afternoon before Bucks County Common Pleas Judge Jeffrey Finley, and after a brief hearing was sentenced to two years of probation.

After a grand jury investigation into the insurance policy changes, Newsome and three USI MidAtlantic insurance executives — Robert J. Brown, Freda Batipps and Linda McGovern — were charged in 2009 with forgery, tampering with public records and related counts. Charges against McGovern were since dropped.

No trial date has been set for the remaining defendants, Batipps and Brown.

Finley listed a series of rights that Newsome was giving up in choosing to plead "nolo contendere" to the charges, including the chance for a trial in which she would be presumed innocent. When asked if she understood that, Newsome replied, "I understand that's the way it's supposed to be."

The judge said that a "nolo contendere" plea carries the same weight and consideration as a guilty plea in terms of sentencing.

"This is not an acknowledgment of guilt, but a desire to move forward," Newsome's attorney, Ronald Greenblatt, said.

Marc Furber, the district attorney's chief of economic crimes, said the prosecutors had discussed the plea bargain with the two injured officers, Mark Buzby and Michael Egan, who believed the deal was appropriate.

The drunken driver who struck Buzby and Egan as they finished up an investigation of an earlier crash at routes 13 and 413 was uninsured. The township appeared to have previously dropped uninsured motorist coverage. However, it was later revealed that Newsome and the insurance company employees had conspired to back-date a waiver form so the company could avoid paying the officers, according to court records.

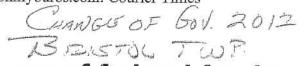
The case had been sidetracked when county Judge Albert Cepparulo granted the defendants' motion to drop the charges after a phone conversation involving Batipps and one of the officer's attorneys suggested there was documentation of the change but not a waiver. But the state's appellate court sided with prosecutors and ordered the case held for trial. Prosecutors then dismissed the charges against McGovern, saying she played only a minor role in the alleged forgeries.

Finley said Newsome retains the right to appeal on issues such as the county court didn't have jurisdiction over the case, that the sentence was unlawful or that she was not knowledgeable about the plea, didn't enter the plea voluntarily or intelligently.

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Furber said Newsome's prior conviction for tampering with records while township manager, played into the decision to come to a plea deal. Authorities believed she had served significant jail time after being convicted in 2007 for altering her employment contract to collect \$14,000 in unused sick time pay.

MECAULEY JAN 4 2012 TOURS



Manager wants probe into use of federal funds

By Chris English Staff Writer | Posted: Wednesday, March 7, 2012 11:45 am

Bristol Township Interim Manager Bill McCauley wants the Bucks County District Attorney and state Attorney General to investigate possible irregularities in the use of federal funds allocated to the township.

Bucks County District Attorney David Heckler said he has asked the FBI to investigate and if that agency declines, the DA's office would strongly consider investigating the matter.

 $I\underline{n}$ a Feb. 27 letter sent to both Heckler and state Attorney General Linda Kelly, a copy of which was obtained by the newspaper, McCauley said the issue involves "the misappropriation of township funds and evasion of competitive bidding requirements that I discovered when examining a contract from 2011."

McCauley's strongest allegations in the two-page letter are against township Councilman Rick Pluta and former councilwoman Linda Tarlini. Pluta had a copy of the letter and Tarlini was shown a copy by the newspaper. Both denied doing anything improper when contacted by the newspaper.

McCauley was a former high-level administrator in Bensalem and was hired in Bristol Township at the beginning of the year by the new council majority. He said in his letter that money spent on three projects did not follow proper procedures. The projects are a mural being painted for the township building by a Plumstead-based group called the Community Conservatory of Music; new lights for the Bristol Township girls softball field; and a basketball court in the Winder Village section.

The council majority had authorized McCauley, who replaced Jeff Bartlett as manager, to look into past use of federal funds.

"The agreement was for planning, preparation and production of a collage mural for \$32,487," said McCauley's letter. "The executed contract in the possession of Bristol Township was only signed by its Director of Community Development (Tom McDermott). When the community development director contacted the Community Conservatory, they produced an agreement signed by then council president, Rick Pluta and vice president, Linda Tarlini, that did not exist in the township's files."

Tarlini's council term concluded at the end of last year after she was defeated in the May 2011 Democratic primary.

"There is no evidence of this (mural) contract ever being voted on by the township council at a duly advertised meeting of the public body," McCauley's letter continued. "The monies for this project were never appropriated by township council in its 2011 budget. Further, there is no evidence that this project was competitively bid as is required under the First Class Township Code. I also did not find any evidence of the township solicitor telling anyone that such work was exempt from public competitive bidding requirements."

Russ Sacco, the former township solicitor McCauley refers to in the letter, said he could not comment on the matter since he still represents Bristol Township on "miscellaneous matters" and is the sewer system solicitor.

The mural is being painted on panels that will be brought to the township building and put together at some location within the building. McCauley won't say much about the entire federal funds matter but did confirm he has frozen the mural project while the issue is being investigated.

"The mural was in progress but we really can't comment further until the township works out its issues," said Christopher Dwyer, executive director of the Community Conservatory of Music, which also teaches art and drama.

The newspaper was unsuccessful in attempts to reach McDermott, the township's community development director, who oversees federal funds that flow into the township, for comment.

Mural agreement

In his letter, McCauley said he asked Pluta in a recent executive session to explain the mural agreement and whether it was voted on by the council.

"His response in front of several council members was that 'it was political," said McCauley's letter. "(Pluta) further stated that the money came from 'UDAG (the federal Urban Development Action Grant) funds' and had never been appropriated and voted upon by the full council as it was used as a 'slush fund.' The Urban Development Action Grant program ended in 1988, so these are most definitely township surplus funds."

BRISTOU TWP

Both Pluta and Tarlini said there are leftover UDAG funds in the township and that the use of federal money doesn't follow the same guidelines as regular township funds.

McCauley's letter goes on to say that the former manager Bartlett did not agree with spending money on the mural.

"This resulted in the then council vice president, Linda Tarlini, screaming in an executive session to the mayor, John Monahan, 'fire (Bartlett), fire his ass,'" the letter said.

It adds that Pluta "unilaterally" determined that a no-bid \$50,000 contract should be awarded to a firm for installation of lights at the softball field when a lower offer of \$36,000 from another firm was rejected. Again, there was no approval from the full council, McCauley added.

Pluta responded that he did nothing wrong on this matter and that the work went to the higher-priced firm because the company submitting the lower quote was not going to comply with the state's prevailing wage law.

"The last irregularity I discovered was the construction of a basketball court in Winder Village in June 2010," McCauley's letter continued. "Once again, there was no public discussion of this project, nor was it appropriated in an adopted budget. The work was done with township forces and the materials were purchased with township funds from the so-called UDAG fund."

In a lengthy email response to McCauley's various allegations in the letter, Tarlini said she was "appalled at the accusations and piecing of events and situations which were taken totally out of context and pieced together to fit Mr. McCauley's cause, which is securing these federal funds into the township's general budget."

Tarlini continued: "First and foremost, the UDAG fund does exist and there is still federal money in it. This federal money follows entirely different guidelines for approved usage, allowable amounts without a bidding process and expenditures. Projects and usage of these funds have always gone through the (community development) office and that's been done this way for over 30 years.

"I believe federally funded items are governed by an entirely different set of rules than are required by the township and audits on this fund are done yearly and the federal government's audits found no discrepancies or mismanagement."

No ties

Both Pluta and Tarlini said they had no family or any other connections with the firms painting the mural or installing the softball field lights or basketball court.

On her "fire his ass" comment in executive session, Tarlini said it wasn't even about the mural.

"The mural was never a topic of discussion in executive session," said Tarlini. "Jeff (Bartlett) and I butted heads on many things, Rick (Pluta) was always our referee. Mayor Monahan on a daily basis was saying to me and many others he was going to fire Jeff for one reason or another. My comment had nothing to do with the mural."

"During an executive session, Jeff and I disagreed again on another subject and I believe the mayor agreed with me," Tarlini continued. "So I very well may have said to him, 'Fire (Bartlett), fire his ass,' because that was something (Monahan) said he's wanted to do anyway."

The newspaper was unsuccessful in attempts to reach Bartlett and Monahan for comment. Monahan is no longer in office because the mayor's position was eliminated as part of Bristol Township's change in government that took affect at the start of 2012.

That change also expanded the still all-Democratic council from five to seven members, with Troy Brennan, Amber Longhitano, Joe Glasson and Craig Bowen joining Pluta, Bob Lewis and Tony Tucker this year.

"There is a dictatorship going on in Bristol Township as directors and employees were told not to speak to anyone, including elected council members and absolutely everything must go through him (McCauley) first," Tarlini said. "At this point, everyone fears for their job, but is afraid to talk (because) they need their livelihood. Bottom line is McCauley wants this money claimed for the township's funds so they can use it for whatever they want instead of community and neighborhood projects as it was originated for."

McCauley said that if the newspaper had a copy of his letter, that it spoke for itself and he would not comment further on the matter.

Manager wants probe into use of federal funds - www.phillyburbs.com: Courier Times

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"Overall, the letter in my opinion is not accurate," said Pluta. "The manager, I feel, is taking this in the direction of a political nature, and this letter is more self serving than factual."

NOTE.

Pluta continued: "While there was no formal vote, to my knowledge the council was aware of the projects being done with this funding. There wasn't a project that was done that didn't benefit the community in some way. To my knowledge, everything that was done was done according to proper procedures for doing these types of projects."

Bucks County District Attorney David Heckler said that since the issue appears to involve federal funds, he has contacted the FBI about conducting an investigation.

"If they don't, than our office could certainly consider doing it," Heckler said.

He added, however, that county detectives have a lot of higher priority matters on their schedules.

"If the FBI doesn't take this on, than we certainly would consider doing it but it's not at the top of the plate and I'm not going to put it there right now," said Heckler.

State Attorney General spokesman Nils Frederiksen said the office as a matter of policy does not comment on correspondence requesting investigations.

"But if this involves county or local elected officials, than I would think it would start with the DA," Frederiksen added.

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Bristol Township insurance scam heads back to court - phillyBurbs.com : Bristol: bucks c...

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Friday, March 30

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An alleged Bristol Township insurance scam that has been bouncing through the courts since 2009 could soon come before a jury.

Former Bristol Township manager Suzanne Newsome and three USI MidAtlantic insurance executives — Robert J. Brown, Freda Batipps and Linda McGovern — were charged in 2009 with felony forgery, tampering with public records and related counts following a grand jury investigation into the aftermath of a 2005 trains train that injured two pulse onicers:

Bristol Township cops Mark Buzby and Michael Egan sustained critical injuries when a drunken, uninsured driver hit them as they stood outside their squad car in August 2005. The crash at the intersection of routes 13 and 413 left both officers with massive injuries; Egan had to have part of one leg amputated.

When the officers looked to the township for an insurance payout, prosecutors say, they were told that Bristol Township had waived its uninsured motorist coverage. The grand jury investigation later showed that Newsome and the insurance company employees had conspired to back-date a waiver form to avoid paying the officers, according to prosecutors.

The case was headed to trial in Bucks County Court in Doylestown in 2009 when new evidence surfaced that seemed to weigh in favor of the defendants.

Two recorded phone messages, from Batipps to one police officer's attorney, showed that the parties had discussed the township's intent to waive uninsured motorist coverage and that the parties knew a waiver hadn't been signed, although there was "documentation."

Based on that evidence, county Judge Albert Cepparulo granted the defendants' motion to drop the charges by finding that prosecutors had not met their burden of proving there was enough evidence to move the case forward for trial.

Prosecutors appealed Cepparulo's ruling to the Pennsylvania Superior Court. Late last year, the appellate court found in favor of Bucks prosecutors, and ordered the case listed for trial.

Deputy District Attorney Marc Furber confirmed the case is now being prepared for trial, although no date has been set yet. He declined to discuss the case further.

Furber said his office recently dismissed charges against McGovern, saying she had only a minor role in the alleged forgeries.

"Her involvement was a great deal more peripheral. Upon evaluating the case, we decided our chances of success are much greater with the other defendants," Furber said.

Newsome was sentenced to one to three years in prison after being convicted in April 2007 of altering her employment contract so she could collect more than \$14,000 in unused sick time pay. The same grand dury that investigated her crime uncovered the insurance case.

As of March 2011, Buzby and Egan had received \$8 million from various insurance companies in recoveries and benefits. A federal jury last year awarded them an additional \$250,000 in compensatory damages.

Laurie Mason Schroeder: 215-694-7489; email: lmason@phillyBurbs.com;

Twitter: @buckscourts

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Revised spending plan cuts tax increase - www.phillyburbs.com: Bristol: bristol township...





Thursday, May 17

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Bristol Township's council on Wednesday voted to advertise a revised 2012 budget that eliminates the slight tax increase approved by a previous council last year.

Council members Bob Lewis, Troy Brennan, Craig Bowen, Joe Glasson, Amber Longhitano and Tony Tucker voted yes to advertise the revised spending plan.
Councilman Rick Pluta voted against it.



Interim township Manager Bill McCauley said his proposal is \$105,249 less than the 2012 budget approved in December. The council on Jan. 19 voted to reopen the budget, which is allowed under state law, and have McCauley eliminate the 0.3-mill municipal property tax hike, which equated to about \$5 for a resident with a property assessed at the township average of \$17,877.

McCauley's proposal will bring the millage rate down to the 2011 level of 23.9875 mills.

"I will be making a full presentation at the Feb. 15 meeting, "McCauley said. The council will consider McCauley's proposal that night.

The proposal will be available for public display within the next few days, officials said.

Officials declined to address exactly how the tax increase was eliminated.

"In briefly looking at the budget, I'm not comfortable with the way the reduction was created," Pluta said during the meeting. "I would ask that the manager at least look at that again. Maybe there's another way that can be accomplished."

McCauley said it was "a little shocking that the gentleman would be against a tax decrease."

"But I'll be happy to address any issues at the Feb. 15 meeting when council can make any changes to the proposed budget that they wish, and I will be happy to answer any and all questions after my presentation," McCauley said.

Pluta responded: "I tried to be real polite. And for the manager to find it shocking that I have a question about the budget, I find that offensive, especially when he's using separate funds to pay salaries out of. I don't think that's a prudent budget."

The 0.3-mill increase approved by the previous council was in the fire fund to help handle fire hydrant maintenance. That increase brought the total township property tax millage to about 24.29 mills, or \$434 for the average property owner.

Michael Walsh, president of Transport Workers Union Local 282, asked if new proposed contracts for workers were included in McCauley's proposal. If not, "then we're still working under the expired contract."

Solicitor Randall Flager said he didn't want to get into labor negotiations at a public township meeting.

Also on Wednesday, the council unanimously approved a resolution to adopt a draft administrative code pending the adoption of an ordinance "to be totally safe, to have suspenders and a belt on," as Flager put it.

Revised spending plan cuts tax increase - www.phillyburbs.com: Bristol: bristol township...

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The resolution came about after Darrell Zaslow, an attorney who assisted the government transition committee, said state law stated that appointed officer:

and offices "cea	sed to exist. after the ellective date of the flew government, which took effect at the beginning of this year.
Flager said offic	ials are still making some changes to the administrative code.
Danny Adler: ;	
email: dadler@p	hillyBurbs.com;
Twitter: @adlero	опяселе
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Bensalem Township

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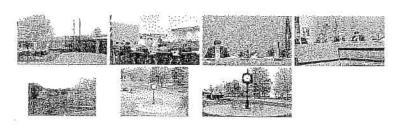
In 1987, the voters of Bensalem Township passed a ballot question, which read:
"Shall a government commission of nine members be elected to study the existing form of government and to
recommend whether or not an optional form of government should be adopted?"

The voters passed this question by a wide margin. The Commission spent nine intensive months studying and evaluating all available forms of government for a Second Class Township. The Commission strongly recommended the Mayor - Council form of government over the existing Board of Supervisor form of government. The Commission strongly believed that the Mayor - Council form of government was better suited to meet the needs and concerns of the citizens than the existing form of government. An unbiased study, devoid of politics was conducted. The Commission examined the form of government, not the people in the government, While the qualifications of elected officials have been and will remain a very important part of the success of any form of government, the Commission concentrated its efforts solely on the form of government itself. The form, as well as the people is equally important in determining the ultimate success of our local government.

After intense study, research and open public meetings, the Commission recommended the Mayor - Council form of government would best enable our Township to better meet the challenges of the future as well as the present. On November 4, 1987, the voters of Bensalem concurred with the Commission and a Mayor - Council form of government was adopted. In November of 1989, Bensalem Township elected its first Mayor, Ed Burns, who took office in 1990 and served until 1994. Mayor Joseph DiGrodamo was elected in 1994 to replace Mayor Burns and continues to serve the people. The issue of unlimited mayoral terms in a second class township (as classified by the Commonwealth of Pennsylvania) was challenged in 2005, with a favorable decision by the Court of Common Pleas ruling the Mayor-Council form of government does not impose term limits.

Bensalem Council meetings are open to the public and are held the 2nd and 4th Mondays of each month. The meetings are held at the Municipal Complex, 2400 Byberry Road, Bensalem, PA 19020 and commence at 7:30 P.M. Agenda's are normally posted on this site and are also available prior to the meeting at the reception area near Council Chambers.

Public portion is held towards the end of the meeting after regular and scheduled agenda items are discussed and voted upon (if necessary). Should you have any questions concerning an agenda or the date of a meeting, please contact the Mayor's Office and ask to speak to Marge Strange at, or e-mail her at ustrange/a/beasslem-towaship.org



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MAYOR AND COUNCIL

Dialys design of the EDITES AND STREET OF THE



Mayor Joseph DiGirolamo Improving the Quality of Life in Bensalem Through Teamwork



Mayor Joseph "Joe" DiGirolamo was born and raised in Bensalem and has served as its mayor for the past 17 years. When asked about his early memories of Bensalem, he remembers a time when it was all farmland, "The dynamics began to change after World War II", he said, when people began to move our of Philadelphia and relocate to Bucks County. He witnessed a small town of less then 5,000 residents grow to its current population of over 60,000,

Born in 1937 to parents who were immigrants from Italy, the mayor grew up working on his family's farm. He attended North Catholic High School in Philadelphia, returning home to Bensalem after school each day, to work on the farm. The mayor thought it was wise for a farm boy to attend a city school. He remembers his first year in the city as being very intimidating, but felt the experience made him stronger,

At 26 years of age, he took over DiGirolamo Farms until the age of 51, when they turned the business over to then children. The mayor retired from the business world 23 years ago. He became involved in community work and spent most of his time volunteering. Term Expires - 12/31/13 wherever he was needed. He was involved in and chair the triscentennial celebration in Bensalem, One of the highlights of the tri-centennial program was the hardback volumes of minutes kept by Mrs. Dorothy Call that recorded everything that happened in the tricentennial. The mayor describes these minutes as "the most incredible work" and they are now the property of the Bensalem Historical Society.

The Mayor's desire to be involved in the community combined with his head for business convinced him to run for Mayor so he would the opportunity to share these talents with the citizens of Bensalem. He was elected as Mayor in January of 1994.

Bensalem has been named "A Model for America" by the Bocks County Courier Times and voted "Lot 190 Best Communities for Young People in the United States" by America's Promise Organization. The Mayor feels that Bensalem is a wonderful place to live and an incredible community recognized throughout the state. He believes that it's the work of teams that creates success, "No one does this work by themselves. You surround vourself with people who believe in you and those who do the work and these teams are responsible and deserve the credit for the stacess of the Bensalem Community", he emphasized.

When asked what he was proud of in Bensalem, he responds "In my 17 years as the Mayor of Bensalem, I am most proud that we have been able to meet the needs of the entire community from youngsters to the seniors. We've been able to recreate the vonnigsters through a variety of programs and we've formed a partnership with the school district. We've also been able to building affordable housing for semors - we have three of





these beautiful housing developments now. There were senior citizens who couldn't allord their taxes and we've helped them keep their homes. We built a magnificent amphitheater, which provides summer concerts. All in all we have been able to improve the quality of life for the people of Bensalem.

The Mayor is proud of his initiative programs Towns Against Graffiti (UAG), which brought mine communities together in the fight against graffiti and litter, and the Transportation Management Association (UMA), which has grown to a staff of five and handles transportation issues.

The Mayor saw an opportunity to help boost the horse racing industry through offering slot and table games at the Parx Casino. The race track is one of the biggest employers in the community owning over 500 acres within Bensalem. The mayor's vision of the casino would allow the race track to remain open and flourish while providing homeowners with a relate from the proveeds of the gambling revenue, Each household in Bensalem received a \$3.00 check from a property owner's grant based on the revenue carned from the casino. The Mayor attributes extension planning that included the hiring of extra police and traffic control efforts as key factors that allowed for the successful opening of the casino.

The waterfront development project is the Mayor's pide and joy as it's the area where he was raised and a project that he has been working on for some time. "The riverfront is a place to recreate and live and a great place for office buildings." The zoning has been changed to upgrade the area from an industrial park to allow for beautiful townhomes and condominums to be built. The mayor faced a challenge, however, and travelled to Washington, D.C., to oppose the building of a trash transfer site close to the waterfront. The Mayor considered this a quality of life issue, longht and won to stop the nash transfer

When asked what he enjoys for relaxation, he says he's not a fisherman or a golfer, but one of his passions is gardening. The Mayor, while a public persona, leads a private life. He lives in Bensalem, off a small gravel road. He auromuds himself with his meticulously manieured grounds with hundreds of home-grown flowers and vegetables; a magnificent poind with cov and a greenhouse, He rises daily at 1300 A.M. so he can work for two and a half house before going to the office.

He also empty his car collection which includes of conveite that has never been driven and his showpiece, a 1955 Chevrolet that he displays at the Annual Bensalem Fall Festival classic varishow.

Today, Bensalem continues to grow, The Mayor added that the township is encouraging people to move up and not move out. Bensalem now offers homes in a wide range of prices with singles homes valued at \$200,000 to \$800,000.

The Macor points to a poster on a wall with the inscription "DESTINY" and the following quote underneath: "A good leader takes people where they want to go, but a great leader takes people where they ought to be."

The Mayor adds, "You can't always be the "yes" gay, Sometimes I've had to make tough decisions that have gone against what others wanted me to do or say. The business of being Mayor is not easy and it can be challenging at best."

Bousalon Towiship A Community of Firsts

Extended Biography

Personal Data

- Married, 3 children, 7 grandchildren, 2 great-grandchildren
- He is currently serving his 5th term as Mayor and his term expires on December 31, 2013

Education

- St. Charles Borromeo Elementary School
- Northeast Catholic High School

Accomplishments

Elected 5times to serve as the Mayor of Bensalem Township, population approximately 60,000

Founding Member and Chairman, Bucks County Riverfront Communities Revitalization Study - studying the waterfront throughout Lower Bucks in order to eliminate blight and reclaim the riverfront for aesthetically pleasing and revenue producing development

BENSALEM TWO

FOR LEGAL PROFESSIONALS

Commonwealth Court of Pennsylvania.

IN RE: The Nomination Petition of Joseph DiGIROLAMO for Mayor

IN RE: The Nomination Petition of Joseph DiGIROLAMO for Mayor, Joseph Szafran for Council, Joseph Pillieri for Council and William Maddocks for Council of Bensalem Township. Objection of: Joseph Ciprich. Appeal of: Joseph Ciprich.

Argued April 14, 2005. -- April 26, 2005

BEFORE: COLINS, President Judge, and SMITH-RIBNER, Judge, and FRIEDMAN, Judge.

Lawrence M. Otter, Doylestown, for appellant. Joseph W. Pizzo, Trevose, for appellees.

Joseph Ciprich (Ciprich) appeals from an order of the Court of Common Pleas of Bucks County rejecting his request to set aside the Nomination Petitions of Joseph DiGirolamo, William Maddocks, Joseph Szafran, and Joseph Pilieri (the candidates). We affirm on limited grounds.¹

Ciprich, an elector of the Republican Party residing in Bensalem Township, filed an Objection to the Nomination Petitions of the candidates. Mr. DiGirolamo is the incumbent Mayor of Bensalem. Mr. Maddocks, Mr. Szafran, and Mr. Pilieri are all incumbent councilmen of Bensalem. The candidates are all incumbents of three or more consecutive terms. Ciprich's objections are based entirely upon an allegation that term limits of no more than two consecutive terms apply to the candidates and that they are therefore ineligible to run in the primary elections for the Republican Party in Bensalem.

Bensalem is a second class township. Ciprich claims the term limits were voted for by the people of Bensalem in a referendum in 1987, wherein a new form of municipal government was selected under the Optional Plan. The referendum selected the Mayor-Council Plan B form of government. Ciprich's claim is based upon a recommendation of the Government Study Commission that included among other recommendations, term limits of not more than two consecutive terms. Ciprich claims that in voting in favor of

April 26, 2005 - ...
BYNSHLLDW TWF

these recommendations, the people of Bensalem intended to vote in favor of the term limits as well. However, when the new government first convened to adopt a new Township Administrative Code, the term limits provision was not included. Both parties agree that there is no other statutory authority for imposing term limits in Bensalem. The candidates respond that the Government Study Commission was not authorized to recommend term limits and that Bensalem Township is not authorized to enact such term limits. The court below agreed with the candidates. We need not reach these issues here and we do not affirm on these grounds.

This Court affirms the order of the court below on the ground that Ciprich filed Objections to the Nomination Petitions of the candidates and nevertheless failed to allege any defect whatsoever with the Nomination Petitions themselves. Ciprich based his Objections to the candidates' Nomination Petitions on Sections 976 and 977 of the Election Code ², 25 P.S. §§ 2936 and 2937. Section 977 states in relevant part,

If the court shall find that said nomination petition or paper is defective under the provisions of section 976 or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act, or was not filed by persons entitled to file the same, it shall be set aside.

Section 976 states in relevant part,

No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if-(a) it contains material errors or defects on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law.

Nowhere in these sections is there any reference to challenging a nomination petition on the ground that a candidate or candidates may be exceeding term limits. Essentially, Ciprich is bringing a challenge to the candidates' qualifications based upon an as yet unresolved controversy regarding term limits, and not a challenge to the validity of their Nomination Petitions at all. Therefore, Ciprich's objection is procedurally improper and the candidates' Nomination Petitions must stand.

We note also, that the candidates draw this Court's attention to the case of Shrier, et al. v. Kisselback, et al., Court of Common Pleas of Bucks County No.2003-03202-24-5. To begin with, this Court recognizes that the issues presented in the Shrier case are nearly identical to the case at hand. Nevertheless, Shrier's procedural posture is that of a quo warranto action, the proper action for challenging the qualifications of a candidate or elected official. However, we reject the candidates' argument that the doctrine of collateral estoppel applies to this action based upon the Common Pleas Court's ruling in Shrier. Collateral estoppel is "an affirmative defense barring a party from re-litigating an issue determined against that party in an earlier action, even if the second action differs significantly from the first one." Black's Law Dictionary, Seventh Edition, p. 256, West

IN RE: The Nomination Petition of Joseph DiGIROLAMO for Mayor, , April 26, 2005 - ...

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Group 1999. The parties in this case and in Shrier are wholly different and only the issues are in common. To apply the doctrine of collateral estoppel in such circumstances is an untenable stretch of that doctrine and we decline to do so.

Accordingly, we affirm.

ORDER

AND NOW, this 26th day of April 2005, the order of Court of Common Pleas of Bucks County is affirmed on the ground set forth in Commonwealth Court's opinion.

FOOTNOTES

- 1. This Court's standard of review is "limited to determining whether the trial court's findings of fact are supported by substantial evidence, whether the trial court abused its discretion or whether the trial court committed an error of law. In reviewing the trial court's determination, we keep in mind that the Election Code must be liberally construed to protect a candidate's right to run for office and the voters' rights to elect a candidate of their choice." In re Petition of Hanssens, 821 A.2d 1247 (Pa.Cmwlth.2003) (internal citations omitted), petition for allowance of appeal denied, 573 Pa. 692, 825 A.2d 640, (2003).
- 2. Election Code, Act of June 3, 1937, P.L. 1333, as amended.
- 3. Shrier has been remanded to this Court from the Pennsylvania Supreme Court and will be argued prior to the next municipal election.

OPINION BY President Judge COLINS.

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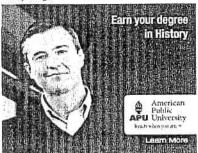
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Panel Going To Court For Additional Tax Rise February 4, 1990



New Mayor Takes Reins Of Bensalem Government

January 07, 1990 By Mary Gagnier, Special to The Inquirer

Recommend 0

A new form of government ushered in a new era last week in Bensalem Township. Its proponents said it was created with Edward Burns in mind.

Burns was sworn in Tuesday as mayor, along with members of a new Township Council, replacing a township manager/board of supervisors form of government. Darrell Zaslow, an architect of the new government's constitution, was chosen as township solicitor.

Zaslow, an early proponent of the mayor/council government, recently recalled the behind-the-scenes efforts of a nonpartisan group of residents who began more than four years ago pushing for a new form. of government.

Story continues below.

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Zaslow said, though there was no guarantee he could get elected as mayor.

Former township manager Natalie "Marge" Strange, also a proponent of the new government, agreed. "A 🐧 🤭 🗷 🗸 🗸 🛣 lot of people felt Ed would be a good choice," Strange said.

Zaslow recalled the day in 1987 when a nonpartisan group of residents met with Burns in the kitchen of his Felten Avenue home and told him, "Ed, you've got to do the job,"

"He and his wife sat in the kitchen, trying to make a decision," Zaslow said. "He made it clear he would take the job, provided there would be no (election) shenanigans.

"It's a public demeanor that's important," Zaslow sald. "Ed Burns has an even temperment and a genuine concern to do the job right."

Burns, a nine-term Republican state legislator representing the 18th District, said last week that he had no immediate plans to resign from his seat in the House despite his November election as mayor. He earns \$55,000 a year as mayor and \$47,000 as a state legislator.

House Minority Leader Matthew J. Ryan (R., Delaware) said last week, "I would hope he would not resign and that he would fill his term out as a House member."

The term expires next January, Burns' term as mayor will run for four years.

Burns said last month that he expected to spend most of his time in Bensalem and "go up and down the turnpike (to Harrisburg) as necessary,"

The new form of township government is a historic change for Bensalem. The township of 56,000 has had a board of supervisors since colonial times, Strange said.

In November 1986, voters approved the formation of a government study

commission. In November 1987, voters approved the study commission's recommendation for a switch from a manager/board of supervisors to a mayor/ council form of government, to begin Jan. 1, 1990.

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Bensalem Solicitor May Resign Darrell Zaslow Is Being Sued By Three Banks. He Offered To Resign

November 11, 1993 | By Kay Lazar, INQUIRER CORRESPONDENT

The lawyer-who advises Bensalem Township on virtually all phases of township government - including the township's \$10.5 million operating budget - has offered to resign because of mounting personal financial difficulties that have led to several lawsuits against him.

Township Solicitor Darrell Zaslow is being sued in Bucks County Court by three banks for failing to pay back lines of credit he took out on three different personal credit cards, totaling more than \$40,000.

In the most recent lawsuit, filed Tuesday, Chevy Chase Federal Savings Bank of Frederick, Md., is seeking nearly \$20,000 the bank says Zaslow owes.

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"I acknowledge the difficulties and have no choice but to commence personal bankruptcy, as painful as that is," Zaslow said in a telephone interview vesterday. He said he had lost nearly half a million dollars in recent years on two real estate ventures in Bensalem and Langhorne.

He said that he told Bensalem Township Mayor Edward Burns several months ago about his money troubles and that he offered, at that time, to resign.

"I indicated my belief that the circumstances would require that I relinquish my position, and I was and $\scriptstyle
m I$ am fully prepared to do so," he said, adding, "my problem had and has no effect on my service to the township."

Contacted by phone, Mayor Burns acknowledged that he and Zaslow had discussed Zaslow's possible resignation. Burns said Zaslow was worried that his financial troubles would be made public and would bring the mayor damaging publicity.

But Burns, who is leaving office at the end of the year, said he stands behind Zaslow and would not accept his resignation. Burns said he needed Zaslow in the last six weeks of his administration to help tie up loose ends before leaving office.

"Knowing Darrell as I have for seven years now," Burns said, "I feel he is one of the most conscientious, honest, ethical persons I have ever been associated with."

Ironically, Zaslow, 39, said he believed his personal financial problems stem directly from his role as township solicitor, a position he was appointed to in January 1990 by Burns, then the newly elected mayor.

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BENSALUM TOP

Township to scale back casino rebate Staff writer | Posted: Sunday, November 27, 2011 5:00 am Now POLLING BACK

Five years after the opening of Parx Casino, officials in Bensalem could begin to significantly scale back on \$300 rebate checks received by thousands of homeowners in the township.

Residents would receive just \$100 next year under the township budget proposed by Mayor Joseph DiGirolamo.

The total cost of the homeowner rebate program is to be slashed 65 percent as Bensalem deals with another multi-million dollar budget deficit in 2012.

DiGirolamo would draw \$5.3 million from the township's nest egg to balance the books next year. Bensalem withdrew \$6.5 million from the trust fund last year, leaving \$54 million currently in the bank. From Sale of

A public hearing on the budget is scheduled for 7:30 p.m. on Dec. 5 in the township building, 2400 Byberry Road. The council must review and adopt the \$65 million spending plan.

Township expenses are rising. Income from investments is falling—down \$1.4 million from two years ago. Bensalem's mayor said he has only two real options: raise taxes or trim the rebate.

"In my eyes, as an administrator, it just doesn't make sense to raise taxes," DiGirolamo said. "Why would we take people's money just to give it back to them?"

The homeowner rebates began months after the opening of Parx Casino in December 2006. Bensalem gets \$11 million in taxes on slots and table games, but the lion's share of that money goes to the police department. The police budget has increased \$7 million in five years, officials said.

Giving a \$300 check to every homeowner costs Bensalem \$4.7 million, officials said. A homeowner rebate of \$100 would cost about \$1.6 million, officials estimate.

Like many communities, Bensalem is desperately waiting "for a light at the end of the tunnel" in this economy, DiGirolamo said."I have people coming into my office every day asking if I can help them get a job," the mayor added.

Instead, Bensalem has eliminated 15 full-time positions and 10 seasonal employees in the last year.

Still, the bottom line remains the same, said township finance manager Jack McGinley.

"Union contract benefits are still going up. Our electric costs are still going up. Everything else is still going up. So, if you're going to keep the bottom line the same, then you have to cut something."

Bensalem has some of the lowest municipal taxes in Lower Bucks and those tax rates have remained relatively stable. The owners of the average property assessed at \$22,000 should pay about \$402 a year to the township. \$2,283 6 to \$750,000 flower

That's an increase of just \$34 from the average tax bill in Bensalem 10 years ago.

Average tax bills in Bensalem are about \$30 less than what's paid in Bristol Township and about \$100 less than what Middletown collects.

In Bensalem, much of that money goes to police services. The public safety budget makes up 67 percent of general fund budget. The 2012 police budget is projected at \$21 million — the same as this year. ALMOST 3X

The cost of police salaries and benefits is projected to rise about 2 percent, or \$383,000. However, the budget for new police vehicles was slashed \$369,000.

The township budget for intersection improvements was also slashed in half for next year. Bensalem budgeted \$1.1 million for intersection improvements in 2012. Much of that could be spent to improve traffic flow on Route 13, said Bill Cmorey, township administrative director.

Plowing those roads is also a major expense. So far this year, snow removal cost Bensalem \$494,141 — nearly twice what was budgeted for this year, officials said. \$250,000 BVD X 3 \$750,000 MT FOUNT

The cleanup after Hurricane Irene and Tropical Storm Lee was estimated at \$438,000.

New Bethlehem Twp. Board Continues To Make Changes * Attendance At Seminars, Ma...

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New Bethlehem Twp. Board Continues To Make Changes * Attendance At Seminars, Manager's Role In Hiring And Firing Are Targets Of Majority.

January 18, 2000 by NICK POLITI, The Morning Call

The new majority of commissioners in Bethiehem Township on Monday continued dismantling the work done by the previous board, rescinding the requirement that a commissioner get approval from his peers before going to a conference.

The new majority also moved closer to stripping the township manager of the authority to unitaterally hire, suspend or fire a township employee.

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And in a controversy that spilled over from the former board, commissioners voted 3-1 to pay the Verdin Co. \$21,440 for a millennium clock even though donations remain a few hundred dollars short of the amount expected.

A commissioner no longer has to get approval from the board to attend conferences, institutes and meetings, as long as money for that travel is in the budget.

New Commissioner Jerry Batcha joined Commissioners Leonard Hudak and Robert Birk voting for the change. Commissioner Timothy Brady voted no. Commissioner Allan Robertson was absent.

Brady, Robertson and former Commissioner Louis Gallucci had instituted the approval policy that was rescinded.

Solicitor Thomas R. Elliott Jr. was directed to prepare an ordinance taking away the power of the township manager from hiring, suspending or firing a township employee.

<u>Batcha said the manager, in consultation with division heads, should make recommendations for those personnel actions to the board, which would have the last word.</u>

Batcha said he is concerned that a manager might use the hiring/firing authority "to accumulate personal power," He said
40 percent of townships in the state give their boards the final call in personnel issues.

But before bringing the change up for a vote, commissioners agreed to spend up to \$750 for a consultant to discuss the organizational issues involved in such a change.

A public hearing would be needed before commissioners vote on the change.

Over the no vote of Hudak, the commissioners will pay for the township's millennium clock,

Acting Township Manager Jeff Bartlett said \$10,100 in donations have been received or promised for the clock...

ACTIVE MER

New Bethlehem Twp. Board Continues To Make Changes * Attendance At Seminars, Ma...

JEFF BARTLETT

Township Manager

The previous majority had said the township would pay \$10,000 for the clock, with the remaining \$11,440 coming from the public. Monday night that promise was \$1,340 short.

"I did not vote for the clock and I would not vote for it now," board President Birk said. "But I don't know how we can refuse to pay the bill. I believe the remaining donations will be received."

Responding to concerns by Robert Serafin, chairman of the township Recreation Board, and Modesto Fiume, chairman of the Open Space Task Force, Bartlett said the township has appraisals for five parcels of land that might be purchased for recreation.

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Bartlett said \$1.6 million is budgeted this year for open space purchases and that could pay for four of the five parcels. He implied that commissioners will consider entering negotiations with property owners soon.

The new majority looked with a bit more favor on the idea of a residential building moratorium. Last year Hudak proposed the moratorium, but he was not supported. Monday night the board agreed to discuss a moratorium at its next meeting. Commissioners declined to support Hudak's proposal that Elliott draft moratorium legislation.

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Lehigh Township appoints first manager in its history

Jeff Bartlett will leave assistant position in Bethlehem Twp.

May 29, 2002 | By Chris Sexton Special to The Morning Call - Freelance

For the first time in its history, Lehigh Township has a manager.

The township supervisors Tuesday unanimously voted to appoint Jeff Bartlett to the full-time position, created through an ordinance earlier this year,

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Bartlett, 42, will begin work on June 17. He is leaving his position as assistant manager of Bethlehem Township, where he served for three years. He was responsible for grants administration and writing, coordinating the recycling program and managing the personnel department.

Bartlett said supervisors felt it was time for a full-time professional to handle the day-to-day responsibilities of running the township, and felt the growth in population there had created a need for more timely reaction to issues.

"My feeling from the supervisors is that there needs to be better coordination of planning and zoning issues, as well as implementing and updating policy and procedure systems to gain more organization," he said.

Bartlett's salary will be \$52,500,

With a population of about 10,000, Lehigh is a second-class township.

Bethlehem Township is considered first class, its population more than 21,000.

Before his Bethlehem Township position, Bartlett spent more than eight years as University Center assistant director at East Stroudsburg University. He managed the conference facility, food service and personnel activities.

He obtained a bachelor's degree in psychology from Moravian College in Bethlehem, and a master's degree in counseling from Kutztown University.

He lives with his wife and two children in Weisenberg Township.

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Lehigh Township's manager still learning the ropes

Official says operations running smoothly with Jeff Bartlett on board.

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November 27, 2002 | By Sonia Csencsits Of the Morning Call

As Jeff Bartlett drives north on Route 309 on his commute each morning, hundreds of southbound cars pass by him as he heads to work in Lehigh Township. The scenic drive against heavy commuter traffic is a perk.

"I drive opposite the traffic flow," he said,

"When I get here and walk to the back of the building, I see flocks of turkey and deer. I see old barns. That's all part of this township. It is growing, but it is still rural."

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Six months ago, the 42-year-old Bartlett was hired as the first township manager. He also is zoning officer.

Like many rural communities, Lehigh Township is changing, and the supervisors decided they needed someone to handle the day-to-day decisions necessary to run the municipal government.

"I have to make sure they are comfortable with the role they entrusted to me," said Bartlett. "It is still a learning process. There has been a period of adjustment, but it has been good overall."

Supervisor Paul Leibenguth was not always in favor of hiring a manager.

But as the number of calls he was getting at home from township employees and residents grew, he began to believe a person was needed to perform the day-to-day tasks of township government.

"I tried to handle as much as I could," Leibenguth said, "But there are day-to-day things that supervisors cannot handle, These are the things during the day he can do. And now that he is there, I am definitely on board. Things are running so smoothly. At meetings, he tells us what has been done, the grants he received. I recommend a manager to any township

Bartlett stepped into the new job as major projects are unfolding.

A \$500,000 Northampton County bond issue grant will be used by the township and Lehigh Township Athletic Association to develop a 48-acre park spanning Lehigh and Moore townships on Delps Road.

A \$500,000 loan will be used to convert the former ambulance squad building into police headquarters,

Two subdivisions will add more than 60 homes to the township.

A Carbon-Lehigh Intermediate Unit 21 bus terminal is being built on a 40-acre tract along Mountain View Drive East.

Lehigh Township's manager still learning the ropes - Morning Call

State-mandated building codes will bring changes to the construction process. Blueprints and plan reviews will be required for large and small projects.

Improvements are planned at Indian Trail Park on Route 248, and the park restaurant will be leased to the Lehigh Township Historical Society. Rest rooms and a stage/storage area may be built.

Bartlett's biggest challenge came a few weeks after he started, when fire broke out on the south slope of Blue Mountain.

"The fire on the mountain was a learning experience for us," he said. "People forgot to notify everybody that should have been notified, I did not learn about the fire until the second day, and if I had known, I could've done some things, kept track of things."

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Bartlett was assistant manager in Bethlehem Township before coming to Lehigh.

Lehigh Township, with 10,000 people, is half the size of Bethlehem Township. Lehigh grew by 4.65 percent in the past decade, or 432 people. In 2000, there were 9,728 residents, up from 9,296.

The job brings Bartlett in daily contact with residents.

"Every day is different," he said. "There will be a time when things settle in, but I am still in the learning process."

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Lehigh Township removes its manager

Jeff Bartlett was first in the post. Board wants to "change direction."

January 04, 2007 By Michael Duck Of The Morning Call

Lehigh Township's manager lost his job Tuesday in a surprise vote by township supervisors.

deff Bartlett, who was appointed in 2002 as the township's first-ever manager, was dismissed in a 3-2 vote following a j closed-door supervisors meeting Tuesday night. On Wednesday, supervisors hastily scheduled another closed meeting to work out Bartlett's severance package. CONFLICT

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"I was kind of blindsided," Bartlett said Wednesday, adding that he had no "formal opportunity" to address supervisors' concerns before he was ousted.

Supervisor Dell Grove, who voted with supervisors Brian Moser and Keith Hantz against Bartlett's reappointment, said there were never problems with the manager's actions or job performance.

"We just wanted to change direction," Grove said, declining to give specifics

Lest January, the board had voted 4-1 to reappoint Bartlett, Moser, who had taken office just a day before, cast the single "no" vote.

Moser said he then believed Bartlett was "pro-development," a key issue in the mostly rural township. "I've never lost that feeling," Moser said after Wednesday's meeting, but he declined to say if that contributed to Bartlett's dismissal.

Supervisor Richard Demko, who on Tuesday joined Supervisors Chairman Paul Leibenguth in voting to retain Bartlett, said POLITICS & YERSONAL he believes a combination of politics and personalities led to the firing.

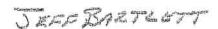
Officials had disagreed over "some minor, day-to-day operational issues...that I definitely felt could have been worked through," Demko said.

Another factor, Bartlett said, might have been that some residents don't believe Lehigh needs a township manager.

Supervisors appointed Bartlett in May 2002 after creating the position earlier that year. Previously, Bartlett served as Bethlehem Township's assistant manager for three years and, before that, as a manager of the University Center at East... Stroudsburg University more than eight years.

Solicitor David Backenstoe said supervisors can now advertise for a new manager, promote a current township employee or even eliminate the position.

But they first need to work out details of Bartlett's departure, "We've got to figure all that out yet," Moser said, because "there was no plan" before Tuesday's vote,



For now, supervisors have appointed township Secretary-Treasurer Alice Rehrig as acting township manager, and most supervisors said they don't plan to eliminate the position.

As for Bartlett, he said he's interested in serving as manager in another township.

Bartlett said he's also proud of his work for Lehigh's "good people," despite his frustration with the board's decision.

"Hopefully, I did some good for a lot of folks in the township," he said. But, he added, "when you work in politics...you take your risks."

michael.duck@mcall.com

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first township manager February 09, 2012 | By Marion Callahan, Of The Morning Call

Getting to know North Whitehall's

North Whitehall Township made history last month when it hired its first township manager Jeff Bartlett, This week, we give our readers a chance to get to know the Lehigh Valley native.

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What drew you to North Whitehall?

I was attracted to North Whitehall because of the rural character combined with the close-by urban amenities. I live in a neighboring rural community and North Whitehall Township was a good fit for my experience and where I wanted to be in my career. The township has grown significantly in the past decade and I believe there was support for a full time managed I was a first-time manager in Lehigh Township and therfore knew what to expect dealing with the staff, elected officials and residents who never experienced a full time manager. I believe the township was a great fit for me. ????

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What former positions have you held in local government?

Most recently I was the Managing Director for Bristol Township in Bucks County. Prior to that I was the Township Manager/ Zoning Officer in Lehigh Township and Assistant Manager in Bethlehem Township.

What made you decide you wanted to be a township manager?

I never really set out to be a Township Manager and I'm not sure many of my colleagues did either. My first career involved // 🗸 🗸 various management positions in colleges and universities working with Student Programming and Auxillary Services.-I--began my government career primary as a human resource officer and it evolved from there. It is a unique position that is never boring and can be very rewarding.

What are your primary duties?

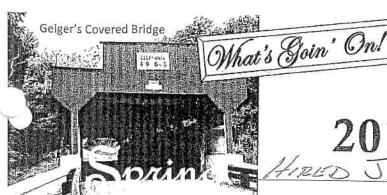
I am the primary administrator serving as a liaison between the residents, board members and employees. I help create the budget and monitor the Township finances, supervise the staff, respond to resident issues, serve on various advisory boards and generally manage the day to day operations.

My current salary is set at \$88,000.

2.000 LEN

What are you hoping to accomplish in North Whitehall?

My initial goal is to review how the township conducts daily <u>business</u> and operations and determine if we are providing the best services to the residents. I would also like to work on our Master Plan to ensure that the township retains its rural character while generating some addition revenue through commercial growth.



North Whitehall Township

2012 Newsletter

HIRED JAN 2012

Board of Supervisors

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> Jerry Joseph Vice-Chairman

Stephen A. Pany Member

Jeff Bartlett Township Manager

2012 Township Meeting Schedule

Board of Supervisors 1st Monday of each month at 7:30 pm Except for MAY Meeting is MAY 14

Planning Commission 4th Tuesday of each month at 7:30 pm

Recreation Board 3rd Monday of odd months at 7:30 pm

Zoning Hearing Board 3rd Wednesday of each month at 7:30 pm (as needed)

Spring Issue

April May June

2012 Township Holidays Township Office Closed April 6—Friday Good Friday

May 28—Monday Memorial Day

Introducing 'Jeff Bartlett' Township Manager

The North Whitehall Township Board of Supervisors are happy to announce the hiring of NWT's first Township Manager, Jeff Bartlett. Since its creation, the day-to-day operations of NWT have been managed by Township Supervisors who were also daytime Township employees in accordance with PA Second Class Township Code.

In most Townships across PA, the number of Township Supervisors who also opt to be Township employees is dwindling. North Whitehall, like many other rural Townships has

seen significant growth in the past decade. Increased State and Federal regulations and busy day to day activities have changed the way Townships do business. <u>Few Townships exist</u> in the Lehigh Valley that do not have full-time managers.

Townships exist in the Lehigh Valley that do not have full-time managers.

Mr. Bartlett was appointed as Township Manager in late January and has been quickly getting up to speed on Township projects and issues. Mr. Bartlett has a dozen years experience in municipal government work including positions in Bethlehem and Lehigh Townships. Most recently, he served as Managing Director of Bristol Township, the 12th largest municipality in PA. Prior to his government positions, Jeff worked in various management positions in higher education.

When asked about coming to North Whitehall, Mr. Bartlett gave these remarks. "North Whitehall is the type of community I have been searching for to continue my career. It is a growing community yet retains the rural character I personally enjoy. The mix of open space, farmland and carefully planned growth was a major draw for me. I believe the residents here enjoy the best of both worlds; rural character yet easy access to more urban settings and major cities. Growth in the community is inevitable for the Township to maintain the revenues needed to sustain the services we provide. As Manager, I see my role as an advisor to the Board of Supervisors, assisting them to deal with development issues. Dealing with the day to day operations also allows me to review how we conduct business and improve what we do for the residents. I'm looking forward to working with the staff and residents to continue advancing the great community that already exists."



LOWE PENNOUNDS IN

Lower Providence manager fired in executive session

Published: Wednesday, December 07, 2011

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GUSTRICH - HIRED 3500S 6 YDS

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By Carl Rotenberg crotenberg@journalregister.com

LOWER PROVIDENCE — <u>Township Manager Joseph Dunbar was fired Thursday night</u> by the Board of Supervisors in a closed executive session held after the regular supervisors' meeting.

Supervisors' Chairman Richard Brown said the board reconvened the board meeting at 10:30 p.m. and voted in public 3-to-1 for a resolution cancelling Dunbar's contract.

Brown, Supervisors' Vice Chairman Chris DiPaolo and Supervisor Don Thomas voted to end the contract. Supervisor Colleen Eckman voted against the resolution. Supervisor Marie Altieri did not attend the executive session and did not vote on the contract. Brown said Altieri did not know about the subject of the executive session.

"We have been cautioned by our solicitor not to mention personnel issues," said Brown in declining to detail the reasons for the sudden firing. "We cannot go into that."

Brown said Dunbar was "fired, effective immediately. We terminated his contract."

Geri Golas, the township's human resources director, was named interim township manager.

In a telephone interview with The Times Herald Friday afternoon, Dunbar said he "was caught off guard to say the least," by the board vote.

LOWER PREVIOUS TH

"There was no indication leading up to last night that the board was not satisfied with my performance or the staff. They explained that there was not a role for me going forward. And that they were going to terminate my services," Dunbar said. "I was given the opportunity to resign in lieu of termination."

Dunbar said he asked the board in executive session for time to consult an attorney but the board was not willing to wait.

"It has been a pleasure serving the community. There was no sense in talking about it," he said. "I asked if Mr. Sorgini and Mrs. Zimmerman agreed. Sorgini said he was in agreement with DiPaolo."

Zimmerman was not in agreement with the firing, Dunbar said. Continued...

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Montgomery News (montgomerynews.com)

Montgomery Life > News

Experienced township manager hired by Lower Providence

Friday, March 16, 2012

By Carl Rotenberg crotenberg@journalregister.com

LOWER PROVIDENCE — A former Bucks County resident who has been a township manager in both Bucks County and two towns in Florida has been hired as the new township manager in Lower Providence.

Richard Gestrich, 58, of Oviedo, Fla., was offered the \$105,000 per year township manager's job from a field of four candidates interviewed in-person by the Board of Supervisors.

25745

Gestrich has served as township manager in Upper Makefield, Bucks County (1982 to 2005); Middletown Township, 3 To 8.7 / A Bucks County (2006 to 2008); Oviedo, Fla. (2008 to 2011) and Jupiter Island, Fla. (2005 to 2006), said Supervisors Chairman Richard Brown.

Gestrich resided in Yardley, Bucks County, for 23 years while he was the township manager in Upper Makefield and Middletown townships.

"I'm delighted," said Brown about the hiring decision.

Gestrich signed an at-will employee contract with the township that does not have a contractual time limit.

"The board liked him," Brown said. "We don't think that is an issue. He has some experience in Bucks County."

"In Pennsylvania you are at will anyway," Gestrich said. "There is a severance package that includes one month's pay for the first six months, three months' pay after the first year and six months' pay after the third year of employment."

Brown received the signed contract from Gestrich Thursday afternoon and conducted a mid-afternoon briefing of township employees. Interim Township Manager Geri Golas was appointed to replace Joseph Dunbar on Dec. 1, 2011 after Dunbar was fired in a three-to-one board vote. Dunbar had served as township manager for seven years.

The hiring decision was expected to be approved by the board at the Thursday evening meeting.

"The board is delighted to have someone with this type of township experience in Bucks County and Florida," Brown said. "He is a quality person and a people person. He has experience handling township budgets of \$65 million and that is larger than Lower Providence's budget."

Supervisors Jason Sorgini and Jill Zimmerman and former Supervisor Chris DiPaolo made up a search committee that reviewed applications and conducted initial telephone interviews with the candidates.

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Montgomery News (montgomerynews.com)

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VIDEO: New township manager takes reigns in Lower Providence

Tuesday, April 24, 2012

By Carl Rotenberg crotenberg@journalregister.com

After a two-day drive from Oviedo, Fla.m last weekend, new Lower Providence Township Manager Richard Gestrich settled into his new job by meeting with department managers, getting orientation tours of the township and preparing for the April 19 board of supervisors meeting, where he was introduced to township residents.

The former Bucks County resident was offered the \$105,000 per year township manager's job from a field of four candidates interviewed by the board. Gestrich replaces former Township Manager Joseph Dunbar, who was fired by the board in December 2011 after serving as township manager for seven years.

"I want to bring economic development and fiscal conservancy to the township," Gestrich said. "Sustaining the businesses we have and encouraging them to expand and attracting new businesses. The business park is 20 percent vacant."

Gestrich met for more than four hours with Assistant Manager Geri Golas and took orientation tours with police Chief Francis Carroll and Public Works Director David Shaffer Jr.

The 58-year-old administrator plans to become familiar with the current township budget and learn about the township's five legal cases, he said.

The Times Herald - Golas takes reins as interim township manager

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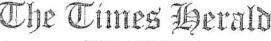
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Golas takes reins as interim township manager

By CARL ROTENBERG crotenberg@timesherald.com

Posted: 12/26/11 12:01 am Updated: 12/26/11 12:29 pm

BAAGOSS

LOWER PROVIDENCE - Two weeks after Human Resources Director Geri Golas replaced outgoing Township Manager Joseph Dunbar as interim township manager, Golas got a \$17,600 pay hike from the Board of Supervisors to compensate for the added responsibilities.

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Story Ideas

After an executive session on Dec. 1, the board in a 3-to-1 vote fired Dunbar after he had served the township for seven years. Golas was promoted to the interim position to give a three-person board committee time to find a permanent replacement for Dunbar.

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On Dec. 15, the board unanimously increased Golas' salary from \$62,400 to \$80,000. "My key goal is to continue the initiatives that are in place," Golas said. "We are tasked with the health and safety of our residents. That is not going to change."

Golas was hired in January 2002 by township officials as a financial coordinator. She was promoted to finance and human resources administrator in December 2004 and to human resources coordinator in March 2006.

Golas is now supervising 61 township employees as township manager.

Township employees were as surprised as residents by the unexpected firing of Dunbar.

"I share the sentiments of the other employees," Golas said, "We were surprised and shocked. I'm confident that I can fill the role the board has entrusted with me."

Golas is performing both jobs with help from Casey Snyder for administrative duties. In the township succession plan, Snyder is in place to learn Golas's job to replace her.

The 11-year resident of East Coventry, Chester County, returned the township manager's car to the township fleet after her temporary promotion.

"I'm very aware who pays my salary," she said. "I'm going to continue using my own vehicle."

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Meeting Minutes

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Board of Supervisors MONDAY, JANUARY 04 2010

> WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS PUBLIC MEETING MINUTES

VAN DE VEZDE FIRED CONFLICT

January 4, 2010

The Annual Organizational Meeting of the Whitemarsh Township Board of Supervisors was held on Monday, January 4, 2010 at 8:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Robert R. Hart, Chair; Leslie S. Richards, Vice-Chair; Sara J. Erlbaum; David E. Brooke; Melissa S. Sterling

Also Present: Bruce G. Horrocks, Acting Township Manager; Sean Kilkenny, Township Solicitor; James C. Sullivan, PE, Township Engineer

OATH OF OFFICE

- The Honorable Seamus McCaffery, Justice of the Pennsylvania Supreme Court, administered the oath of office for Melissa S. Sterling and Robert R. Hart as members of the Board Supervisors.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE FOR ARMED SERVICES

SELECTION OF TEMPORARY POSITIONS

- On a Motion by Supervisor Brooke, seconded by Supervisor Hart (Vote 5-0-0,) Supervisor Leslie Richards was appointed as the Temporary Chair for the Whitemarsh Township Board of Supervisors.
- On a Motion by Supervisor Erlbaum, seconded by Supervisor Hart (Vote 5-0-0,) Bruce Horrocks was appointed as the Temporary Secretary of Whitemarsh Township.

ELECTIONS OF BOARD CHAIR AND VICE-CHAIR

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Sterling (Vote 4-0-0 Supervisor Brooke no vote), Supervisor Robert Hart was appointed Chair of the Board of Supervisors for Whitemarsh Township.
- On a Motion by Supervisor Sterling, seconded by Supervisor Hart (Vote 4-0-0 Supervisor Brooke no vote), Supervisor Leslie Richards was appointed Vice-Chair of the Board of Supervisors for Whitemarsh Township.

Chair Hart called the Annual Organizational Meeting of the Whitemarsh Township Board of Supervisors to order.

APPOINTMENTS

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) Bruce G. Horrocks was appointed Secretary of Whitemarsh Township.
- On a Motion by Supervisor Richards, seconded by Supervisor Erlbaum (Vote 5-0-0,) Thomas M. Mullin was

appointed Finance Director/Assistant Secretary of Whitemarsh Township.

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) Eileen W. Behr was appointed Chief of Police of Whitemarsh Township.
- On a Motion by Supervisor Erlbaum, seconded by Supervisor Sterling (Vote 5-0-0,) Elizabeth De Cordova was appointed Zoning Officer of Whitemarsh Township.
- On a Motion by Supervisor Brooke, seconded by Supervisor Erlbaum (Vote 5-0-0,) Sean P. Kilkenny of the Friedman Schuman Law Firm was appointed Solicitor for Whitemarsh Township.
- On a Motion by Supervisor Brooke, seconded by Supervisor Erlbaum (Vote 5-0-0,) James C. Sullivan, P.E. of the CMX Engineering Firm was appointed Engineer for Whitemarsh Township.
- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the following Nominees were appointed to serve on the Vacancy Board for 2010:
- o Debra Brenner (Supervisor Sterling's Nominee)
- o Dr. Richard Cutler (Supervisor Brooke's Nominee)
- o Carole Lukoff (Supervisor Erlbaum's Nominee)
- o Sheri Risler (Supervisor Richard's Nominee)
- o Timothy Ferris (Supervisor Hart's Nominee)

APPROVAL OF MEETING MINUTES

- There were no meeting minutes to approve.

AMEND AGENDA

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors amended the agenda to adopt a resolution.

RESOLUTIONS

1. Resolution #2010-01 - Various Board, Commission, and Committee Member Reappointments

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors adopted Resolution #2010-01, which appoints/reappoints the following individuals to the following Boards and Commissions for the appropriate terms as listed in the Resolution:
- o Zoning Hearing Board: Robert Bacine, Randi Rubin Goldstein (Alternate)
- o Planning Commission: William O'Donnell, Scott Quitel
- o Parks & Recreation Board: Jonathan Picker
- o Whitemarsh Township Authority: Jonathan Riesberg
- o Library Board: Stan Finegold
- o Emergency Services Board: 'Teresa V. Ferris
- o Historical Architectural Review Board: James P. Dodrill, Jr, John Loughridge
- o Open Space Committee: P. Randolph Gray, Deidra A. Lyngard
- o Media Communications Advisory Board: Suzanne Ryan
- o Building Code Board of Appeals: Mike Pasceri
- o Traffic Impact Fee Advisory Committee: Jeffrey Bryan, Dennis Campbell, Dennis Dougherty, Marcia Fluhr, Christopher Gubeno, Robin Straff

2. Resolution #2010-02 - Establishing Board of Supervisor Meeting Schedule Format

- Mr. Horrocks explained that the Board of Supervisors Meetings will be held at 7:00 PM on the 2nd and 4th Thursdays of each month, with certain exceptions.
- On a Motion by Supervisor Brooke, seconded by Supervisor Erlbaum (Vote 5-0-0,) the Board of Supervisors adopted Resolution #2010-02, which lists the planned Board of Supervisors Meetings for 2010.

3. Resolution #2010-03 - Establishing Travel and Business Expense Policy

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Brooke (Vote 5-0-0,) the Board of Supervisors adopted Resolution #2010-03, which outlines the travel and business expense re-imbursement policies for individuals traveling on Township-authorized business.

4. Resolution #2010-04 - Establishing Holidays for Non-Uniformed, Non-Union Township Employees

- On a Motion by Supervisor Richards, seconded by Supervisor Brooke (Vote 5-0-0,) the Board of Supervisors

WHITEMARKY TUR.

adopted Resolution #2010-04, which lists the approved employee holidays for non-uniformed and non-union Township employees.

MOTIONS

1. Certify Delegates to PSATS Annual Conference

- Mr. Horrocks explained that this is an annual conference sponsored by the Pennsylvania State Association of Township Supervisors.
- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors certified Supervisor Erlbaum, Supervisor Brooke, Supervisor Richards, Supervisor Hart, Supervisor Sterling, and Bruce Horrocks to the 2010 PSATS Annual Conference, and certified Supervisor Erlbaum as the "voting" delegate.

2. Selection of Township Depositories

 On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors approved all Township depositories as recommended by the Finance Director in a memo dated December 28, 2009.

MOTION TO RECESS

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors recessed to hold an executive session.

EXECUTIVE SESSION

- Chair Hart announced an executive session held during the Public Meeting to discuss personnel matters.

REOPEN AGENDA

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors re-opened the Agenda.

MOTION

3. Appoint Special Counsel

- Mr. Kilkenny explained that Mr. Hugg from Obermayer, Rebmann, Maxwell & Hippel, LLP will be used as Special Counsel related to the HMI litigation matters. He added that Obermayer Rebmann Maxwell & Hippel LLP was chosen based upon qualifications and additionally offered the lowest hourly rate.
- Amy Neering (Church Road) expressed concern about rushing into choosing special counsel so quickly. Mr. Kilkenny explained that the decision was made to meet deadlines.
- Joe Meo (Jackson Drive) inquired about the nature of the lawsuit. Mr. Kilkenny explained that Mr. DePaul is claiming that Board of Supervisor members and Township officials conspired to deprive him of his land development rights. Mr. Meo inquired about the status of Judge Albright's case. Mr. Kilkenny explained that a land development application is on the agenda for review at the next Board of Supervisors Meeting. Mr. Meo requested that this litigation gets resolved quickly and inexpensively.
- On a Motion by Supervisor Erlbaum, seconded by Supervisor Sterling (Vote 5-0-0,) the Board of Supervisors appointed Jonathan Hugg as Special Counsel to Whitemarsh Township.

RESOLUTIONS

5. Resolution #2010-05 - Removing Township Manager

- Mr. Kilkenny explained that on December 18, 2009, Supervisors Erlbaum and Brooke notified Mr. Christopher
 R. van de Velde that the Board of Supervisors will be moving in a different direction in 2010. Mr. Kilkenny added a severance package was offered, but he has chosen not to resign.
- Mr. Meo requested more information about the Board of Supervisors different direction. Mr. Kilkenny
 explained that the Board has been advised by the Township labor attorney not to discuss details regarding this
 personnel issue.
- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 4-1-0, Supervisor Brooke opposed) the Board of Supervisors adopted Resolution #2010-05, which removes Christopher R. van de Velde as Township Manager.

6. Resolution #2010-06 - Announce Acting Township Manager

Ms. Neering acknowledged Mr. van de Velde's accomplishments and inquired about the process to appoint a

ROBED CONFLICT

WHITE MEMBER TW

new Township Manager.

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Sterling (Vote 4-0-1, Supervisor Brooke abstained,) the Board of Supervisors adopted Resolution #2010-06, which names Bruce Horrocks as acting Township Manager, while a search is commenced.

7. Resolution #2010-07 - Advertisement of Open Position of Township Manager

- Mr. Kilkenny reviewed the process and described requirements for the position.

- Jean McLenigan (Sumac Place) encouraged a requirement that the Township Manager live within the Township. Mr. Kilkenny will review that requirement.

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Richards (Vote 5-0-0,) the Board of Supervisors adopted Resolution #2010-07, which authorizes the Township Solicitor to prepare an advertisement to commence a search for a new Township Manager, to place the advertisement in appropriate publications and/or online job listings in order to solicit applications for the position of Whitemarsh Township Manager, and to receive applications in response to such advertisement.

BOARD OF SUPERVISOR COMMENT

- There was no Board Comment.

PUBLIC COMMENT

- There was no Public Comment.

ADJOURNMENT

- On a Motion by Supervisor Erlbaum, seconded by Supervisor Sterling, the Board of Supervisors Annual Organizational Meeting for January 4, 2010 was adjourned at 8:55 PM.

Respectfully Submitted,

Bruce G. Horrocks Assistant Township Manager

View the minutes prior to this list

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Administration

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Township Manager	"Vacancy	,		
Administrative Asst.	Debi Tindall		dtindall@forkstownship.org	
Human Resources	Barbara Bartek		bbartek@forkstownship.org	
Finance Manager	James Farley	(x104)	jfarley@forkstownship.org	
E.I.T. Tax Collector	Mary Ann Kessler		mkessler@forkstownship.org	
Asst. E.I.T. Tax Collector	Carolyn Bucar			
Accts.Receivable	Sharon Fisher		sfisher@forkstownship.org	
Accts. Payable	Sandi Rossi		srossi@forkstownship.org	
Utility Billing	Irene Hess		ihess@forkstownship.org	
Township R.E. Tax Collector	Anne Bennett-Morse	Ext. 110	abmorse@forkstownship.org	
Easton Area School District Tax Collector	Anne Bennett-Morse	50	abmorse@forkstownship.org	
Facilities Director	Peter Gheller		pgheller@forkstownship.org	
Zoning Officer	Tim Weis		tweis@forkstownship.org	
Asst. Zon. Officer	Loretta Fuehrer		Ifuehrer@forkstownship.org	
Admin Asst.	Carolyn Bucar			
Building Inspector	Matt Miller		mmiller@forkstownship.org	
Dir of Public Works	Mark Roberts		mroberts@forkstownship.org	
Public Works Garage				
Parks/Maint.Bldg.	Ed Kleppinger			
Chief of Police	Gregory Dorney	(x131)	gdorney@forkstownship.org	
Secty/Police Dept.	Jennifer Balek			
Fire Chief	Charles Chapman		fire chief 2551@forkstownship.org	

Community Center

Parks and Recreation

Director	Rachel Sulzbach	rsulzbach@forkstownship.org

Hilltown Township: Hilltown Township manager resigns - Morning Call

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Hilltown manager to step down

Chris Christman says he leaves township with age-restricted ordinance in place.

May 03, 2011 By Melinda Rizzo, SPECIAL TO THE MORNING CALL

Hilltown Township supervisors accepted the resignation of the township manager at their regular business meeting last week, but weren't offered many details.

Chris Christman, the township's top chief for three years, declined to discuss his plans or where he was going. Christman gave supervisors three weeks' notice.

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"I can't say anything more about my next opportunity," Christman said.

Christman said he leaves Hilltown on good terms, and supervisors Chairman John "Jack" McIlhinney agrees.

Christman's last day is May 13. Christman earned \$100,750 per year as township manager. Now 100, 000

Assistant Township Manager Bill Wert will step in as interim manager until a replacement is found.

Christman said he sought to maintain Hilltown's rural nature and he leaves the township with new zoning in place for agerestricted development.

"Chris is a hardworking young man, and he's been an excellent manager. It was a surprise, but we wish him all the best,"

Recently, Toll Brothers, based in Horsham, Montgomery County, proposed a 313-unit age-qualified development on about 182 acres fronted by Route 313.

Christman said another builder in the past two years withdrew a proposal for age-restricted housing. "The property had been available when Toll Brothers approached the township recently," Christman said.

If completed, the Toll Brothers project would be the first age-restricted community in Hilltown Township, Christman said.

Hilltown Township is roughly 27 square miles. According to the 2010 U.S. Census, Hilltown's population is 15,029.

Melinda Rizzo is a freelance writer,

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Forks Township manager to resign

Supervisors seek outside help in search for replacement.

November 04, 2011 By Adam Clark, Of The Morning Call

Forks Township Manager Rick Schnaedter is resigning at the end of 2011 to stay closer to home.

Schnaedter, 63, lives in a one-bedroom apartment during the week and travels home to Upper Providence Township, Montgomery County, on the weekends. He has led the township administration for nearly five years.

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He announced his resignation, effective Dec. 31, at the end of Thursday's Board of Supervisors meeting.

The board issued a statement saying Schnaedter "leaves behind a legacy of community accomplishments in which he can take great pride." He oversaw "explosive growth," it said, referring to Forks Township's status as Northampton County's fastest growing community

Supervisor Lilly Gloia said after the meeting Schnaedter will be a tough act to follow.

Schnaedter served almost five years as township manager and said the staff and facilities were the best he's ever experienced. He also praised the Forks community.

"it's tough to leave here," Schaedter said.

The township board also approved spending up to \$5,000 to hire David Woglom, associate director for public service at Lafayette College, to spearhead its search for a new manager. Woglom spent 20 years as borough manager in Quakertown, Bucks County.

Schnaedter's exit coincides with the departure of two of the five township supervisors at the beginning of 2012. Incumbent supervisors C. David Howell and Giola were defeated in the spring primary election.

COBNECL - FROM TYRONS

Board Chairman David Billings said their replacements, who will be chosen in Tuesday's election, will likely have a say in the board's hiring decision. The township traditionally allows supervisors-elect to participate in major board decisions before SCHMAEDLER TO HILL TON TWI.

Schaedter's salary was \$85,000 a year.

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Forks Township manager jumps ship to Hilltown Township

Published: Tuesday, December 13, 2011, 4:07 PM Updated: Tuesday, December 13, 2011, 11:05 PM



Rudy Miller | The Express-Times

Forks Township manager Rick Schnaedter was hired Monday as the new manager for Hilltown Township, Bucks County.

Schnaedter announced last month he planned to leave Forks Township, where he's been the manager for the past five years. Schnaedter will take over in Hilltown Township on Jan. 3, according to the Hilltown Township website.

He earned \$84,930 a year in Forks and will earn \$100,000 a year in Hilltown Township.

Forks Township supervisor David Howell said Schnaedter is expected to submit a formal resignation letter Thursday.



Express Times File Photo

Rick Schnaedter

Schnaedter lives in Oaks, Montgomery County, but had been staying in an Easton apartment five days a week to work in the township. He said earlier this month the commute had been tiring.

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Forks picks new township manager

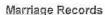
John Cornell was formerly borough manager in Tyrone, Blair County.

April 06, 2012

Forks Township has selected John V. Cornell, a veteran of municipal government, as its new township manager.

Cornell, most recently borough manager of Tyrone, Blair County, was formally introduced at Thursday night's Board of Supervisors meeting. He will make \$92,000 with a monthly \$200 <u>automobile</u> stipend.

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Cornell, of Souderton, emerged from more than 50 applicants for the position, Supervisor Bob Egolf said. He was previously manager for Worcester Township, Montgomery County, and East Rockhill Township.

Cornell also served as assistant manager at New Britain Township, Bucks County, where he first worked as a zoning code のうとのとこれであった。

"Applicants also do their homework and research and I have heard nothing but great things about Forks Township," Cornell said.

Cornell replaces Rick Schnaedter, who resigned at the end of 2011 to become township manager in Hilltown Township, Bucks County. Schnaedter was making \$85,000 and had been with the township for nearly five years.

Forks used David Woglom, of Lafayette College, to guide their search for a new manager, Woglom spent 20 years as borough manager in Quakertown.

Cornell will begin work Monday.

— Adam Clark

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John Cornell was formerly borough manager in Tyrone, Blair County.

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Cornell replaces Rick Schnaedter, who resigned at the end of 2011 to become township manager in Hilltown Township, Bucks County. Schnaedter was making \$85,000 and had been with the township for nearly five years.

Forks used David Woglom, of Lafayette College, to guide their search for a new manager. Woglom spent 20 years as borough manager in Quakertown.

Cornell will begin work Monday.

- Adam Clark

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Come June 1, Palmer Township will have a new township manager at the helm.

On Monday, the township Board of Supervisors voted unanimously to hire Christopher (FEIGNED Christman, effective May 16. He will replace Robert Anckaitis, who is retiring on May FROM HILL TO WAY TUP, MAY 3

"A couple months back we kind of got the bomb dropped on us," said Supervisor David Colver of Anckaitis' retirement announcement.

In March. Anckaitis announced that he would be retiring after 11 years as township manager. Calling it "bittersweet," Colver said although he is happy about hiring Christman, he is sad to lose Anckaitis.

Themes dug

"It's an opportunity for me to work in a community that I grew up in," said Christman of the new position.

A graduate of Freedom High School in Bethlehem Township, Christman currently resides in Hanover Township with his wife, Teena, and their 5-month-old daughter, Emily Rose. Most recently he was township manager for Hilltown Township, Bucks County, where he was on staff since April 2008. Christman is a graduate of Lehigh University, where he earned his master's degree in political science.

In Palmer, his annual salary will be \$92,000. He earned \$100,750 as Hilltown's manager.

Christman said he announced his resignation to the Hilltown Board of Supervisors on April 25. That board has yet to determine the next step for a replacement. The assistant township manager will fill the position in the interim, he said.

"We have a lot of faith that we have the right person coming on board," said Colver.

"We made an excellent selection from those choices," said Supervisor Robert Lammi.

"There's a lot of opportunity here," said Christman. "I knew that it would be a unique opportunity."

Christman said he is excited to be working in a township that has a larger population, poperating budget and lots of businesses.

"They're big shoes to fill," he said. "I'm looking forward to stepping in...anxious to come in."

One day after Anckaitis' retirement announcement, the township hired the consulting firm the Davidson Group from Mechanicsburg to start the search for a new township manager. Nearly 100 candidates applied, and that number was reduced in a three-round process, according to township officials.

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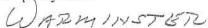
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Warminster welcomes new township manager, solicitor and police promotion - phillyBur...



Warminster welcomes new township manager, solicitor and police promotion

By Manasee Wagh Staff writer | Posted: Friday, January 6, 2012 12:00 am

Warminster Township congratulated police Cpl. Michael Schmalz for his promotion Thursday evening.

As a corporal, Schmalz will be responsible for supervising a nine-man squad, including training and overseeing the men, as well as more paperwork, he said.

A graduate of Central Bucks East High School, Schmalz began his police career in 1984, attending Temple University Police Academy and rising to the rank of senior sergeant before he joined the Warminster Police Department in 2002. He has attended the FBI Inter-County Detective School and several crime scene schools during his career, said police Chief S. Michael Murphy.

Schmalz is also a member of the Bucks County Mobile Incident Response Team and has received commendations for bravery and heroism, as well as unit citations.

Prior to his promotion, Schmalz served in the patrol division as a crime scene technician.

MANFELSO /
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Manager. MT. UNION

In other news, the board of supervisors welcomed Richard J. Manfredi as the new township manager. Chairman Leo Quinn III had nominated Manfredi as interim township manager, and he is now established in the position.

Manfredi, who has served as manager for Plumstead and Mount Union, Huntingdon County, replaces Bob Tate. Quinn and new Vice Chairman Tom Panzer repeatedly had questioned Tate's budgetary planning for more than Quinn a year.

The board also welcomed new township solicitor Mary Eberle, an attorney with Grim, Biehn and Thatcher in Perkasie, and asked her to do a complete examination of current projects and legal proposals, including some items that were on Thursday's agenda.

They included a five-year payment in lieu of taxes from Abington Memorial Hospital, and a property agreement with the hospital that would allow a roughly 2-acre tract to be developed for townhouses.

The payment of \$30,000 for 2011 and then \$15,000 annually in lieu of taxes needs to be examined more closely to be sure it makes sense for nontaxable, nonprofit parts of the hospital, said Supervisor Ellen S. Jarvis. The rest of the board agreed to table the vote on this agreement, as well as the vote on the property agreement, until all questions are answered.

The board also asked for interested volunteers to apply to an ad hoc information technology committee.

The committee would review all technology used by the township with the goal of making improvements that would save money and increase efficiency. The scope of the review would include communications devices and all computers.

"Some of our hardware is 20, 30 years old. It's time it was looked at. For example, we have many phone lines right now. Maybe we could look at having one that pushes out to different extensions. It's time we look at new technology that is more cost effective and gets swifter responses to residents," said Quinn.

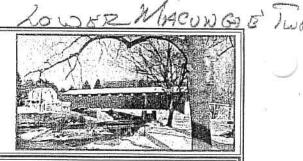
Interested volunteers can email township Manager Richard J. Manfredi at rmanfredi@warminsterpa.org.

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Thought you would like to know what the media, organizations and the people of Lower Macungie Township think of our efforts to create positive governmental change - restoring the public trust in the governance of our township. The First Class People of Lower Macungie Township deserve a 1st Class Township Government.

"The Morning Call Inc., Copyright - November 01, 2007" - Our View

Growing township needs first class status, not more old-style seat warmers

Judging from the number of letters, phone calls and op-ed submissions to The Morning Call about next week's election, no matter has attracted more attention than a pair of questions on the ballot in one second-class township in the southwest corner of Lehigh County. The municipality happens to be Lower Macungie Township, the fastest-growing municipality in Pennsylvania. It is the Lehigh Valley's third most-populous municipality, bigger than the city of Easton, with more than 28,000 residents. In fact, its growth since the 1990s—about 66 percent—ties into the questions its voters will decide.

Voters will see two questions. The first asks whether Lower Macungie should change its form of government from second class to first class township. The second question, we believe, is a bit of mischief by the incumbent township supervisors who put it on the ballot either to confuse voters or cut into ''yes'' votes for the first question. It would add two supervisor seats to the current structure.

The Morning Call recommends a ''yes'' vote on Question No. 1 regarding first class status, and a ''no'' vote on adding two supervisors. Here is our reasoning.

Lower Macungie's past and future argue for a more modern government. More than \$2.5 million was allegedly embezzled from township sewer funds and a former supervisor, Marge Szulborski, is charged with stealing it between 1999 and 2006 while serving as the full-time sewer department director in addition to being an elected supervisor. Lower Macungie's other two supervisors also are municipal employees.

Becoming a first class township does not automatically make stealing extinct, but it would make it far more difficult for it to go undetected. The change would call for five elected supervisors and an elected treasurer. If it passes, Lehigh County judges would appoint people to serve in those offices starting in January. Then, voters would elect supervisors and a treasurer in 2009. The new commissioners would not be eligible to also be township employees. The commissioners would hold at-large seats, though wards could be created later.

This common-sense change would go a long way to providing modern checks and balances and would make corruption more difficult. The elected, independent treasurer is the key.

The campaign against first class status is based on the fear of higher taxes, but that argument is not persuasive. For instance, first class townships could create a police force, but so could a second class township. (Lower Macungie now has no police.) First class status does not mandate a police department. The first class millage cap is higher than the second class cap, but Lower Macungie is far under that cap now. So, while future tax increases could happen under <u>either form, there are more opportunities to run the government efficiently under first class status</u>

Opponents also point to the prevalence of second class over first class township in the state. However, since population density is one criterion for first class, that fact reflects Pennsylvania's largely rural nature, not the comparative desirability of the two forms. (For the record, a township can be first class if it has 300 residents per square mile; Lower Macungie has 850.)

The addition of two more supervisors, meanwhile, would not improve anything. In fact the question that would accomplish this was put on the ballot by the incumbents who presided over so much of the township's folly, we can't imagine why township residents would sign on for more of the same.

Therefore, The Morning Call recommends a "no" vote on Question 2, adding two more supervisors.

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"The Morning Call Inc., Copyright January 19, 2007" - Our View

Restore trust in Lower Macungie, step up to first-class status

Lower Macungie Township Citizens for Change launched its campaign yesterday to convince residents of the state's fastest-growing municipality to change its status from second-class township to first-class township.

This is an outstanding example of public citizenship; people identified a problem that was going unsolved by the incumbent officials and took action. The effort to create a better system of checks and balances gained momentum when Lehigh County District Attorney James Martin last year charged former Lower Macungie Supervisor Marge Szulborski with forgery, theft by unlawful taking and other offenses. Records show about \$2.5 million missing from the township.

As bad an idea as it is, in second-class townships, supervisors also can work as township employees. While serving as supervisor, Ms. Szulborski was employed as public works coordinator, responsible for collecting wastewater treatment allocation fees and sewer connection fees in the burgeoning Lehigh County community.

Members of Citizens for Change, a new political action committee, need to get the signatures of 10 percent of registered voters—1,800 signatures—on petitions in support of a public referendum in order to get it on the November ballot.

The petition drive probably will run from May 1 to July 1, according to two Citizens for Change organizers, Grayson McNair and Larry Schneider. If successful, voters would be asked whether to convert Lower Macungie to a first-class township.

Here's the difference, and it is significant: Second-class townships were designed for relatively small, often rural townships with minimal personnel resources. Residents elect three to five supervisors for six-year terms—with no prohibition of simultaneous employment by the township—and have the option of creating a police force and appointing a township manager. The township treasurer is appointed by the supervisors.

In contrast, the larger, first-class townships elect five commissioners for four-year terms, and they are prohibited from taking paid employee positions. The creation of a police force and appointment of a township manager still are optional. However, the treasurer would be an elected position, providing independent accountability and defined checks and balances.

If voters approve, Citizens for Change would aim for a 2008 ballot question to appoint a Home Rule Charter Study Commission to carry out the voters' wishes. Two of Lower Macungie's three supervisors, Kenneth DeAngelis and IST CLASS TILLIA. LILETL Dennis Hinkle, so far oppose the change; they expected to discuss yesterday whether to advertise for a township manager.

But, with more than 47 percent population growth since 2000—more than 28,000 residents—Lower Macungie should pursue first-class status as a step toward restoring trust in local governance. ?

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"The Morning Call Inc., Copyright February 28, 2007" - Our View

Restore public trust in Upper Macungie

Upper Macungie ethics violations - the misuse of township credit cards by former and current supervisors - and a Lower Macungie criminal case, a \$2.5 million embezzlement by a supervisor who also served as a township employee, are entirely different. But from the perspective of taxpayers, there is a common denominator in the cases of Upper Macungie Supervisor Porter E. Krisher and former Supervisor Thomas C. Gorr, and Lower Macungie's former supervisor, Margaret Szulborski. There is a serious need in Upper Macungie for residents to rise up and emulate the hard work and wisdom of Citizens for Change, a relatively new political action committee in neighboring Lower Macungie.

Here's some advice for Upper Macungie residents, including Christopher C. Casey who first brought attention to allegations against Messrs. Gore and Krisher. Contact Grayson McNair and Larry Schneider, Lower Macungie organizers of Citizens for Change, for tips toward the goal of voter approval to change Upper Macungie from a second-class township to a first-class township – Citizens for Change's ultimate goal.

The state Ethics Commission made public Friday its investigation and conclusions about the use of Upper Macungieissued credit cards by Messrs. Gore, previously an administrator for Lehigh County and for the Saucon Valley School District; and Krisher, a retired state police officer. Basically, the Ethics Commission said their violations pertained to financial-disclosure requirements and prohibitions against conflicts of interest.

Mr. Krisher, the supervisors' vice chairman, was ordered to pay a \$10,000 fine. Mr. Gorr, who resigned as a supervisor in July 2005 and moved to Delaware, was ordered to pay a \$4,000 penalty - all related to credit-card spending over five years. Among the violations: payment by Mr. Gorr for an Orlando, Fla., conference that had nothing to do with township business; and Mr. Krisher's routine approval of payments for no-bid township work by his son's tree service, company.

With populations of about 15,598 in Upper Macungie and 26,200 in Lower Macungie, the townships are eligible for petition drives by citizen groups to put a change from second-class to first-class township status on the November ballot, followed by a charter study commission in each township. A more modern, professional structure is the best way for both to restore taxpayer trust in local government.

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"The Morning Call Inc., Copyright November 26,2006" - Our View

Burgeoning Lower Macungie should let voters consider first-class township status

The state's fastest-growing municipality got the go-ahead last week from the Lehigh County commissioners to consider a ''promotion'' from second-class township to first-class township. In a procedural move required by the state, the commissioners certified that Lower Macungie, along with Hanover, North Whitehall, Upper Macungie, Upper Milford and Upper Saucon, has at least 300 residents per square mile.

The county vote is a technicality, rather than an opinion on whether the municipalities should become first-class townships. However, with news this fall of major embezzlement in Lower Macungie, its citizens should give serious consideration to instituting the checks and balances that come with first-class status.

Lehigh County District Attorney James Martin has charged former Supervisor Marge Szulborski with forgery, theft by unlawful taking or disposition, theft by failure to make required disposition of funds received, and misapplication of entrusted property of government or financial institutions. She will be arraigned on Dec. 4. Records show about \$2.5 million missing. It might be more, but bank records date only to 1999.

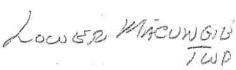
Ms. Szulborski began working in 1991 for Lower Macungie as public works coordinator, responsible for collecting wastewater treatment allocation fees and sewer connection fees. The fees cover system maintenance and improvements, and payments to Lehigh County Authority for sewage transmission and Allentown for sewage treatment. Second-class townships allow people to serve in both elected and employed positions; Ms. Szulborski also had been a supervisor since 2001. The district attorney surmised that the primary cause of the alleged embezzlement was that accounting duties weren't segregated.

A group of Lower Macungie residents want to have a referendum in next year's general election asking township voters to support the change to a first-class township. If supervisors refuse to approve an ordinance for that, the group must get signatures from 10 percent of registered township voters to force it on the ballot. Two supervisors, Kenneth DeAngelis and Dennis Hinkle, went on the record last week as opposing a change. The third supervisor, Marilyn Jones, said she wants to think about it.

First-class townships are governed by five elected commissioners who are not permitted to be employed by the township and have an elected treasurer. Lehigh County already has three first-class townships: Salisbury, South Whitehall and Whitehall. Northampton County only has one, Bethlehem Township. Experience shows that Lower Macungie and its 26,199 residents should move up to first-class status.

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Lower Macungie Township manager

Board president cites "disagreement in management style."

February 22, 2008 | By Kevin Amerman Of The Morning Call

Lower Macungle's new commissioners fired the township manager late Thursday.

At the end of a meeting that lasted more than four hours, the commissioners announced they are placing Rick Prill on paid. leave for three months and will replace him.

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Board President E, Keller Kline III said a "disagreement in management style" led to Prill's dismissal

His interim replacement will be Richard Klotz, a former Lehigh County administrator. Klotz is also a former director of the county prison, Kline said.

Kline said Prill's contract allows for a severance package that includes three months' pay.

Prill could not be reached for comment.

In May 2007, he was hired by the former township supervisors at an annual salary of \$70,000.

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Jean D. Harrison

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Those supervisors were ousted from office last month when a shift from second to first class went into effect. That switch, which promoted by the activist group Lower Macronic Citizens for Change, was consend by select lost Nevertheless. promoted by the activist group Lower Macungie Citizens for Change, was approved by voters last November. Switze Farm

It was sparked by the alleged embezzlement of \$2.5 million in township funds by Margaret Szulborski, a former supervisor and township employee.

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Lower Macungie Township manager fired

Board president cites "disagreement in management style."

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His interim replacement will be Richard Klotz, a former Lehigh County administrator. Klotz is also a former director of the

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It was sparked by the alleged embezzlement of \$2.5 million in township funds by Margaret Szulborski, a former supervisor and township employee.

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Lower Macungie plucks Fosselman from Emmaus

Township manager will be first hired under new board.

September 19, 2008 | By Patrick Lester Of The Morning Call

Lower Macungie has its new township manager and it didn't have to look far to find him.

Township commissioners have named Bruce Fosselman, the manager in neighboring Emmaus, as the second manager in their township's history, voting Thursday night to hire him at a \$100,000 salary.

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Fosselman, a 53-year-old Lower Macungie resident, leaves a borough of about 11,500 people where he has served two stints as its top administrator for a total of 17 years. He moves to a township of about 30,000 people recovering from an alleged \$2.5 million embezzlement.

"Oh, it was very tough," Fosselman said of the decision to accept the job, "I really love Emmeus, I'm looking forward to a good career here in the township, I'm going to be very busy."

Fosselman, one of about 30 applicants, has worked in local government for 31 years after graduating from the University of Pittsburgh with a master's degree in public administration.

"I think, not to pat ourselves on the back, we did a really good job ... in finding a township manager," said Commissioner Deana Zosky, "We had some candidates from out of state. Our goal was to get the most qualified candidate."

Michael Waddell, the president of Emmaus Borough Council, called Fosselman's departure a loss for Emmaus, saying the manager did "excellent work."

"I think they've hired a very good person," Waddell said. "Îf anyone can help over there and get things tidied up, he's certainly the person to do that."

Waddell said it was too early to say whether council would bring in an interim manager until a replacement is found.

Fosselman is scheduled to begin his new job Sept. 29. He'll replace Richard Klotz, a former Lehigh County administrator and director of the county's prison, who took over the job in an interim role in February.

Klotz replaced Rick Prill, Lower Macungle's first manager hired in 2007.

In February, the commissioners, all five of whom took office in January after the township was switched from second class 📙 245 to first class by voter referendum, dismissed Prill.

The referendum was sparked by the alleged embezzlement of \$2.5 million in township funds by Margaret Szulborski, as

former supervisor and township employee, who has since died.

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Prill was paid a salary of \$70,000. When a resident Thursday night questioned why commissioners decided to pay Fosselman \$100,000, Zosky said her board hired a consultant to come up with salary range based on manager pay in the

Emmaus was paying Fosselman an \$82,000.

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Dickinson Township supervisor won't contest ethics report

Published: Thursday, December 02, 2010, 11:54 PM Updated: Friday, December 03, 2010, 8:53 AM



ELIZABETH GIBSON, The Patriot-News

Township supervisor Jonathan Reisinger repeatedly ignored warnings when he was Dickinson's sewage enforcement officer to stop doing work for other clients while he was on the clock, according to a state Ethics Commission report.

The commission ruled that Reisinger, who left the job in 2008 then was elected to the supervisors board, profited by \$2,683.

He billed Dickinson and other clients for the same hours, and he performed work for others on days Dickinson had paid him sick leave, the report stated.

Dickinson Manager Ron Reeder — who Reisinger now supervises — had warned Reisinger his actions violated township policy. Reisinger disagreed and quit the enforcement officer post in 2008.

While working for Dickinson, Reisinger also worked as sewage enforcement officer for North Middleton, CONFLICT Cooke, Hopewell and Lower Mifflin townships.

Reisinger has waived his right to contest commission findings, which were given to him last month. He announced during the supervisors' Nov. 15 meeting that he had repaid \$2,683 and apologized.

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Dickinson Township supervisors look into ethics charges against colleague

Published: Wednesday, December 08, 2010, 1:59 PM Updated: Wednesday, December 08, 2010, 2:02 PM

ELIZABETH GIBSON, The Patriot-News



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DAN GLEITER, The Patriot-News/file

Jonathan Reisinger

Dickinson Twp. Supervisors Allyn Perkins and Ray Jones voted this week to ask Cumberland County District Attorney Dave Freed and state Attorney General Tom Corbett to see if ethics charges should be filed against fellow Supervisor Jonathan Reisinger.

CONFLICT

Reisinger voted against the measure and rejected a suggestion he resign from the board.

The vote followed a probe by the state Ethics Commission into

Reisinger's actions as Dickinson's sewage enforcement officer — a job he left in 2008 before his election as supervisor. The commission found he billed

Dickinson for time he worked for others and he worked for others on days Dickinson paid him sick leave. It ruled that Reisinger profited by \$2,683, which he said he repaid.

The state attorney general's office would only look into criminal charges if Freed's office requested it, spokesman Nils Frederikson said. Freed is off this week, an office worker said.

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Cumberlink.com: Lawyer: Dickinson Township supervisor would be hard to remove

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Lawyer: Dickinson Township supervisor would be hard to remove

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Lawyer: Dickinson Township supervisor would be hard to remove

By Lauren McLane, Sentinel Reporter, August 2, 2011The Sentinel - cumberlink.com | Posted: Tuesday, August 2, 2011 9:00 am | (0) Comments

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A petition is circulating in Dickinson Township calling for the removal of township Supervisor Allyn Perkins.

While those circulating the petition hope it will force him to resign and thus leave office voluntarily, involuntary removal of an elected official in Pennsylvania is not so simple.

State decision

The commonwealth has a procedure in place for removing fairly elected officials set down in the state constitution.

Article VI, section 7, states, "All civil officers shall hold their offices on the condition that they behave themselves well while in office and shall be removed on conviction of misbehavior in office or of any infamous crime."

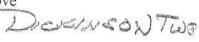
The procedure, however, neither requires nor benefits from the presentation of signatures from the electorate.

According to Professor Michael R. Dimino Sr., a professor of law at Widener University in Harrisburg, the procedure for removing an elected official is clear:

"The governor must get Senate approval by a two-thirds majority to remove an elected official at any level. There are no official rules otherwise." Dimino said.

The constitutional provision does not apply to the governor, lieutenant governor, members of the general assembly or judges, he added.

Looking at the Constitutional provision, Dimino continued, the phrase "infamous crime" has been defined in other contexts to mean a felony.



Local precedent

A case decided in 2007 involving South Newton Township helped to provide some framework for removing officials, he said.

"South Newton was a major case. It says you can't file the case in the court of common pleas," Dimino said.

The case - S. Newton Twp. Electors v. S. Newton Twp. Supervisor -was dismissed by the state Supreme Court because the case was not appropriate for any court to decide and thus violated Article VI, section 7 of the state constitution.

"The only way to remove someone is that it must be presented to the governor," Dimino said. The governor must then call a hearing before the Senate, which afterwards must vote by a two-thirds majority to remove the elected official.

'Zero chance'

In its current form, the Dickinson Township grass-roots petition has "zero chance of forcing the guy to resign," at least in terms of a legal manoeuvre, Dimino said.

Elected in 2007. Perkins has a little more than two years left in his six-year term of office. His tenure on the board of supervisors has been marked with strife, discord, malcontentedness and angry accusations.

Residents have been calling for his voluntary resignation for several months now, to no avail.

Perkins could not be reached for comment for this story. A phone call to his listed number in the phone book went to voicemail and a recording said the voicemail box was full and could not receive any new messages.

Other avenues

The only way for the residents to succeed in having Perkins removed, according to Dimino, is to convince Gov. Tom Corbett that Perkins' removal is necessary for the good of the township.

"It would depend on how serious a problem the supervisor is, and it depends on how good a case they can make to the governor," Dimino said. "The governor is within his authority to look at whether all other avenues have been exhausted."

Although there are no other legal avenues for removal, he said, the governor "could ask what people have tried to do to get him to behave differently - have you appeared at meetings, have you written letters," he said.

"The reason we don't have recall provisions is because we do this once and then we don't have to worry about who's in office anymore. It allows elected officials to do things that may get them into political controversy or be unpopular for a while but allows them to exercise some kind of leadership, at least for a while," he explained.

A recall provision, "defeats the purpose of giving him the security of a term in office," he added.

Cumberlink.com: Lawyer: Dickinson Township supervisor would be hard to remove

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Posted in Local on Tuesday, August 2, 2011 9:00 am | Tags: Dickinson Township, Petition, Removal, Allyn Perkins, Township Supervisor, Elected Official, Removal Of Elected Official, Pennsylvania, Law, State Constitution, Removal Procedure, Michael Dimino, Senate Approval, Governor, Share This Story

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Dickinson Township manager Ron Reeder resigns

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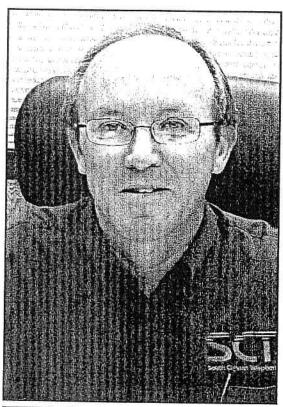
Dickinson Township manager Ron Reeder resigns

By Lauren McLane, Sentinel ReporterThe Sentinel - cumberlink.com | Posted: Thursday, October 20, 2011 6:19 pm | (0) Comments

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The agenda for the Dickinson Township Board of Supervisors' budget workshop meeting had a surprise item Thursday night announcing the resignation of township manager Ron Reeder.

After significant board discussion and public comment, the board unanimously voted to accept Reeder's resignation. His resignation is effective at the close of business on Monday, Oct. 31.

Reeder told the board he has accepted a position of township manager with East Hanover Township in Dauphin County. He starts there Nov. 1.

In his resignation letter to the board, Reeder suggested that assistant

township manager Laura Portillo be promoted to manager and that the position of assistant manager be eliminated.

Portillo's other role of township treasurer would need to be filled.

A motion by supervisor Jonathan Reisinger to follow Reeder's advice died for a lack of a second.

Chairman Allyn Perkins said that although he was likely to support such a motion, he did not want to act hastily. He also said that there was "no urgency" to make the decision.

With Reeder's resignation, Portillo will become the acting township manager until other arrangements are made.

Reeder's resignation came during the second of four scheduled budget workshops to discuss the proposed 2012 municipal budget for Dickinson Township.

Further workshops are scheduled for Monday, Oct. 24 and Thursday, Oct. 27. Both meetings will start at 6 p.m.

Reeder also recently resigned from his position as South Middleton Township supervisor after selling his house in the township. In May, Reeder got married and moved to Lower Paxton Township.

Meeting

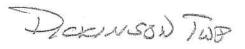
Thursday's meeting started at 6 p.m. Immediately following the Pledge of Allegiance and the approval of the agenda, the board adjourned to an executive session to discuss the so-called "Breslin litigation."

The lawsuit is more than two years old and alleges that the township instituted public meeting policy that the plaintiffs claim violated their First and Fourteenth Amendment rights.

It was filed in federal court.

The executive session lasted about 45 minutes. When it was over, the board announced there had been no decisions made during it and proceeded with the budget workshop.

After discussion about the budget, supervisors directed Reeder and Portillo to update the year-to-date numbers for the Monday night meeting as well as prepare figures for the cost to the township if a 4 percent raise is given to all employees, as proposed in the preliminary budget, is approved.



Posted earlier on Cumberlink:

After significant board discussion, the resignation of township manager Ron Reeder was accepted unanimously.

Reeder told the board he has accepted a position of township manager with East Hanover Township, Dauphin County. He starts there Nov. 1.

His resignation is effective at the close of business on Monday, Oct. 31.

In his resignation letter to the board, Reeder suggested that assistant township manager Laura Portillo be promoted to manager and that the position of assistant manager be eliminated.

Portillo's other role, of township treasurer, would need to be filled.

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Posted earlier on Cumberlink:

The township supervisors voted to accept Reeder's resignation at 7:20 p.m. His final day will be Oct. 31.

Posted earlier on Cumberlink:

In a surprise announcement, the agenda for the Dickinson Township Board of Supervisors' budget workshop meeting had an item announcing the resignation of township manager Ron Reeder.

Reeder also recently resigned from his position as South Middleton Township supervisor after selling his house in the township. His resignation is effective Oct. 31.

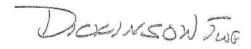
In May, Reeder got married and moved to Paxton Township.

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The lawsuit is more than two years old and alleges that the township instituted public meeting policy that the plaintiffs claim violated their First and Fourteenth Amendment rights.

It was filed in federal court.

Cumberlink.com: Dickinson Township manager Ron Reeder resigns



Posted earlier on Cumberlink:

According to the agenda for Dickinson Township's meeting tonight, Township Manager Ron Reeder will be announcing his resignation tonight.

The agenda says Reeder's resignation will be effective Oct. 31.

Reeder recently resigned as a township supervisor in South Middleton because he planned to move to Dauphin County.

Check back to Cumberlink for more details as they become available.

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Posted in Local on *Thursday, October 20, 2011 6:19 pm* Updated: 10:44 am. | Tags: Ron Reeder, Agenda, Resignation, Dickinson Township, Supervisor, Politics, Google Reader, Ipad, Iphone, Religion And Spirituality, Ios Apple,

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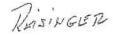
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burnthousel December 02, 2010 at 5:47AM A Follow



It would have been nice to have known these facts when he was running on the "honesty and integrety" platform for DT Supervisor. I hope he now has the honesty and integrety to resign from this position.

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schemy December 02, 2010 at 6:08AM

Yet another example of a lightweight local pol with a sense of entitilement due to perceived local celebrity. But, \$2600 is chump change. How much did the commission spend on the Investigation?

Repty

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Inappropriate? Afert us.

burnthousel. December 02, 2010 at 7:56AM

I think the \$2600 was just what he owed back to Dickinson Township. When reading it, I get out of it that there be more \$\$ involved.

http://www.ethicsrulings.state.pa.us/weblink8/DocView.aspx? ld=192312&page=1&searchid=50cc514d-5c08-4639-b666-d7122fB3f28a

Just wish the voters and papers would have known about this before he ran for supervisor. Now we are stuck with him as our leader. You're right on with your example.

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Three vs Five Supervisors - The Referendum

The question to appear on this November's ballot is -

"Should two additional supervisors be elected to serve in this Township?"

Note: The bulletin board for this referendum was taken off-line 03/26/00.

This referendum is the result of efforts by <u>Charlestown Green</u>. Charlestown Green has provided the a statement in support of this referendum. The Charlestown Civic Association has provided a statement opposing this referendum. Both are posted below. Review others' opinions and post your own thoughts on this issue by clicking the links above. Click the "?" icon for some help with using this bulleting board.

Why we should increase to five supervisors

Positon of Charlestown Green

(09/01/98) At the January 5th Annual Reorganization Meeting of the Charlestown Supervisors, Robin Kohn resigned stating he did not feel he had been effective in the position. This followed many months of gridlock and constant bickering between the two remaining Supervisors on numerous issues regarding the governing of our township. After numerous attempts and meetings, the one member Vacancy Board was required to assist in

Why we should continue with three supervisors

Position of <u>Charlestown Civic</u> <u>Association</u>

(09/19/98) In February of this year, after the process of selecting a supervisor to replace Robin Kohn, Kevin Kuhn from Charlestown
Green announced that his organization was going to sponsor a referendum to increase the present Board from three Supervisors to five. At the time, the referendum was developed over the frustration felt by some individuals that the remaining

CONFLICT!

NOTE: -

selecting Mr. KohnÍs successor, as the two remaining Supervisors could not agree on even this issue. Charlestown Green, Inc. has taken the position that increasing the Supervisors from a three-member board to a five-member board would help eliminate gridlock and. foster a more proactive board. The board of directors of Charlestown Green approved a motion to petition the Chester County Board of Elections, collected the requisite signatures and filed their petition on July 27th. The referendum question that will appear on this November's ballot is as follows:

Should two additional Supervisors be elected to serve in this Township?

Charlestown Green supports this referendum and is actively encouraging residents of the township to vote yes in November. The only individuals who have been vocally opposed to the idea of a five-member board are the three incumbent Supervisors, and you have to wonder why? While initially this was done in an attempt to bring civility to the board, there are numerous advantages and few potential disadvantages to an expanded board, such as:

> When one or two members cannot make a meeting or are unable to vote on an issue due to a conflict of interest, we still have the ability to resolve the situation

two Supervisors were not able to come to a consensus on a replacement. It was felt that had more representatives been on the board, they would have been better able to reach an agreement on one individual. Our view is that, even with a five member Board, the possibility of a consensus not being reached exists. In both of these cases, the course of action would lead to a vacancy Board decision. When Charlestown had a two member Board, the business of the Township proceeded without impedance. Since Bob Wert's appointment, the Board has continued to run with the best interests of the Township in mind. All three current Supervisors have expressed their opinion that the Board should continue to consist of only three members. It has been our experience that finding a qualified candidate who is willing to run actively for office can be difficult. Should a five member Board be chosen, it could mean reducing the caliber of our Board. In this situation, it would be difficult to return to a three member Board. There has been no absenteeism with our board this year, compared to, for example, the seven member Planning Commission, which has one to three members absent almost every meeting. A larger number of members on the Board of Supervisors will allow for a greater chance of someone being absent. With one person absent, it will

allow for a split decision and

NOTE: -

ABSENTEES! LESS OFTH SAMESE BOARDS

- without having a stalemate.
- Division of power and responsibilities: A supervisor wears many hats, it's a great deal of work. This would give the board the ability to have sub-committees for various projects and would allocate the work to more bodies. At the present time the Supervisors rarely attend the Planning Commission meetings, and they should be more in tune with this board so they are not redoing the board's work.
- Eliminate the "oddman-out" situation that has existed on the board from time to time over the last seven plus years.
- Bring more and diverse talent to the board and hopefully better reflect our divergent population, especially our newest residents.

Will it cost the taxpayers more?

Yes, based on the number of meetings the supervisors attend each year and the present salary (\$50.00 per meeting), the cost to the taxpayers of Charlestown Township would be in the range of \$4,000. This represents approximately 1/2 of a percent of the Township's annual budget.

delay the business of the Township. One member could also influence greater power on the board by abstaining during close critical votes causing inaction and delay. One of the difficulties with the present Board is trying to match their schedules when trying to have an executive session or a road inspection tour. This will be made more difficult when trying to match five schedules. Also, when a member misses a meeting, we will see as with the planning commission, that person as having to be brought up to speed. This could also create delay in conducting business. We will also be faced with the difficulty of reaching a consensus, delaying decisions to the detriment of the Township.

There will be an additional cost to the Township. The Green estimated that cost to be \$4,000 with the additional supervisors. We believe that there will be a higher administrative cost as well. We have had discussion with a supervisor in Schuylkill Township where they increased their board to five members, and were surprised at the increase in office work. We have to ask ourselves do we want to go from small government to big government.

The Charlestown Web page is sponsoring an on-line debate on this issue. Please take the time to examine both sides of the issue and please make your comments known.

We respect Charlestown

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UNEVER # ON BAND.
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MOTE!

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Green's effort in pushing for the referendum but after careful consideration, the Charlestown Civic Associations Board of Directors recommends to the residents of the township to vote NO on the referendum to increase the Board of Supervisors to five.

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Please report any problems with this site by clicking <u>here</u>. Site development, maintenance and funding by Township resident Jacob D. Merriwether.

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March 16, 1998

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Daily Local News August 13, 1997

Charlestown Green, Inc.

Charlestown Green, Inc., a non-profit organization, was established in 1987 to promote and support the conservation and development of natural resources in Charlestown Township, including the preservation of areas and facilities of historical significance in the township. This organization publishes a very comprehensive quarterly newsletter focusing on planning issues. The newsletter sometimes includes inserts such as lists of township officials and maps of areas before the planning board.

Click <u>here</u> for the latest Newsletter.

The organization's goal is to educate the general public in terms of resource planning, conservation and preservation. This goal includes monitoring development in the township and reporting the facts via its newsletter.

Charlestown Green has been very supportive of this web site, providing information assembled by the organization and published in the Charlestown Green Newsletter. Charlestown Green, Inc.has the following officers:

Ellen Behrle - President

935-2802 (H)

Sharon Shoemaker - Secretary

933-8132 (H)

Ray Hallett - Treasurer

933-7271 (H)

Carol Armstrong, Ph.D. - Board Mbr. 644-4627 (H)

Sarah Willig, Ph.D. - Board Mbr.

933-3539 (H)

Membership in Charlestown Green, Inc. costs \$25 per year, and contributions above that amount are gratefully accepted. To join or send a contribution (tax deductible), mail your check payable to

Charlestown Green, Inc. P.O. Box 469 Devault, PA 19342-0469

SEE PAGE 2

Hanover Township - Regional Location&Our History HANOVER TWF 3 SUPEROV TO COUNCUL - MANNIGORIE

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About Us at Hanover Township (Lehigh County)

REGIONAL LOCATION

Hanover Township, Lehigh County is a township of the second class with a total area of approximately 4.3 square miles; it is located to the north of the cities of Allentown and Bethlehem. It is the only township in Lehigh County that lies east of the Lehigh River. Its location, on the county's eastern border, places it near the geographic center of the Lehigh-Northampton bi-county region. This centrality has made the Township a strategic location for major regional and inter-regional transportation facilities such as the Lehigh Valley International Airport and Route 22. Location on the periphery of both Allentown and Bethlehem has placed the Township in the path of outward expansion of the two cities.

Route 22, the major regional east-west thoroughfare, links the Township with the three cities-Allentown, Bethlehem, and Easton. Beyond the ABE region, Route 22 extends to the major metropolitan centers of New York and New Jersey and west to Harrisburg and central Pennsylvania. Airport Road is the only north-south road of any importance in the Township, It connects the Township with the cement and slate belt areas to the north and the cities of Allentown and Bethlehem to the immediate south.

The Township is located in the heart of the Lehigh Valley, a gentle undulating limestone valley, which is part of the greater Ridge and Valley Physiographic Province extending diagonally from the south-central to the northeastern borders of Pennsylvania. The rich soils of this area made the Township an early agricultural area. However, the relatively level farm land, the proximity of the area to the two major cities, and accessibility to major transportation facilities such as the Lehigh Valley International Airport have given the Township a rapidly expanding industrial and commercial land use pattern.

OUR HISTORY

Hanover Township was formed from the southern portion of Allen Township by decree of the Bucks County Court in 1798. Its geographic limits at that time included the present area plus that which comprises Hanover Township, Northampton County, and the area immediately south of the current Township to the Lehigh River. This original territory was retained until 1812 when Lehigh County was established and the Township was divided; approximately twothirds of its area went to Lehigh County and one-third remained in Northampton County.

With the exception of an annexation by the Borough of Catasauqua in 1895, the Township's political boundaries did not change until early in the 20th century. At that time, growth of the major cities began to extend into the surrounding townships. Allentown and Bethlehem grew toward one another until their borders met. This, of course, occurred at the expense of Hanover Township; through annexation it was reduced in size to about one-third of its original area. Additional annexations produced further loss of territory (i.e., in 1982, the Township shrank by 2.3 acres in the northwest corner with respect to land annexed to Catasauqua in connection with the Strawberry Hill Development).

Hanover Township was settled later than most of the other townships of the region during the 18th century because approximately 23,000 acres contained within its area belonged in the "Manor of Fermor" which was privately owned by the Penn family and not officially open to settlement. In 1795, the proprietaries brought ejectment suits against the squatters to the U.S. Circuit Court at Philadelphia. Settlement of the suits was made out of Court and the land was sold to the settlers at a cost of \$1.75 per acre. The land was re-surveyed and then divided into 196 tracts. Another reason why the township was not extensively developed immediately was the popular misconception that its soils were not good because of an inadequate water supply. In fact, during the mid-1700's the area between the Lehigh River and Schoenersville was referred to as the "Barrens" or "Drylands". The Borough of Catasauqua derived its name from the Native American word for "dry ground". This misconception prevailed until the 19th century when the soils were discovered to be quite fertile. Agriculture then developed as a major industry in the Township.

With the settlement came the establishment of a number of small villages. These were: Nain, established in 1758; Rittersville, established around 1808; Schoenersville, established around 1794; and East Allentown, founded in 1828. All but Schoenersville were located in the southern portion of the Township in proximity to the Lehigh River and between Allentown and Bethlehem.

Nain, the earliest village established, was located about one mile east of Rittersville and two miles northwest of Bethlehem. It was originally intended to serve as a living place for Native Americans who were converted to Christianity. However, the village was removed in 1763 because of antagonisms and conflict between the settlers and Native Americans.

Schoenersville and Rittersville developed along early roads serving the region. Schoenersville was located at the intersection of two roads connecting Allentown and Bethlehem. Typically, each village was named after an early settler who was proprietor of a roadside tavern strategically located to serve travelers. In each case, a number of families decided to live in proximity to one another, a general store was established along with a blacksmith shop and post office, and a village was formed. Basically, however, the early roads were the primary factors influencing development.

East Allentown was founded on the east side of the Lehigh River at the east end of a bridge crossing the river. Its initial establishment also began with a roadside tavern. With the coming of the canal in 1829 and a railroad in 1855, East Allentown, along with Rittersville and the entire area along the Lehigh River between Allentown and Bethlehem, began to develop.

The combination of road, railroad, and canal spurred development of both residential and industrial land uses between Allentown and Bethlehem. Early in its history, terminal facilities were erected in East Allentown. Later, grist mills, lumber mills, lime kilns, and brick refractories were also constructed. The beginning of the industrial revolution in the late 19th century saw the development of an industrial concentration in and around Rittersville. Industries involved in the manufacture of machinery, textiles, apparel, and carriages all located in the vicinity. This urban oriented development set the stage for the annexation into Allentown and Bethlehem. Between 1910 and 1930, the entire area between the two cities, including the villages of East Allentown and Pittersville, was appared. The remainder of the Transplin continued as it had been since settlement bears predominantly ones and applications. Rittersville, was annexed. The remainder of the Township continued as it had been since settlement began, predominantly open and agricultural

In 1929, the Allentown Chamber of Commerce purchased land in the center of the Township for construction of an airport, Subsequently, in 1937, the City of Bethlehem and later Easton joined in developing the airport. Today, the airport is controlled by the Lehigh-Northampton Airport Authority.

Geography and roads have played key roles in the Township land development patterns. In the 1950's, the new Route 22, a major east-west inter-regional

BERV.

highway, was constructed. Its affect was to split the southern portion of the Township (one-third) from the airport dominated northern portion (two-thirds). The road stimulated development of new roadway oriented commercial and industrial uses in the proximity of its interchange on Airport Road. In addition to the influence of the airport and the road system on land development, purchase of large tracts of land on all sides of the airport by Bethlehem Steel and Lehigh Valley Industrial Park preempted a large portion of the Township for industrial development.

On November 15, 1961, the Hanover Township Planning and Zoning Commission was formed by the Township Board of Supervisors, the three elected officials who performed both administrative and legislative functions for the Township. Realizing that new industries, a concentration of regional transportation facilities, and an upward growth trend were beginning to exert profound development pressures on the Township, the Planning Commission immediately began to study various means available for carrying out a planning program to assure orderly future growth. The Township's first Comprehensive Plan was developed and completed in May, 1964. The Plan was updated in April, 1974 to reflect influences on the Township which had either taken place or became more definitive since the preparation of the original Plan. The Update also included new concepts and more specific goals and objectives. Once again, in April, 1995, the Township Governing Body adopted an Update to the Comprehensive Plan reflecting the Township's current status and providing a new vision for the future, building upon experiences of the past.

As reflected in the 1995 Update to the Township's Comprehensive Plan, since the preparation of the 1974 Comprehensive Plan, dramatic changes which altered the Township's direction have not occurred. The changes have more represented the further evolution of past events. However, since 1995, as a result of changes which have occurred in and around the Township, the Township has recently prepared a Proposed Amendment to the 1995

The proposed Amendment to the Township reflects a growing industrial, commercial and airport character of the Township; 2) The extensive land acquisition by the airport would eliminate substantial areas of planned commercial, planned industrial office, and planned residential development zones in the Township, replacing same with runways and other uses plantied commercial, praintied industrial office, and plantied residential development zones in the Lowiship, replacing same with runways and other uses associated with the airport. Such expansion, if it occurs, will increase the airport's role as a dominant factor in the character of the Township and further diminish the compatibility of residential uses in the vicinity of the airport, and 3) The transportation system in and around the Township has been modified, including improvements along Race Street, Schoenersville Road, and Airport Road; the completion of the American Parkway from the Lehigh River to Airport Road entirely through the City of Allentown; new turning lanes, intersection controls and crossover barriers on Airport Road between the Route 22 intershapes and the American Parkway; and the Improvement of Pauls 22, and in particular the Airport Road Pauls 20, acceptable to the American Parkway and the Improvement of Pauls 22, and in particular the Airport Road Pauls 20, acceptable to the Pauls 22. interchange and the American Parkway; and the improvement of Route 22 and, in particular, the Airport Road/Route 22 interchange, especially at its Intersection with Catasaugua Road.

The growth of the airport has been noteworthy. To provide up-to-date facilities, to meet increased demand for services and to take advantage of business The growth of the airport has been upgraded, modernized, and expanded. The use of the airport has been upgraded, modernized, and expanded. The use of the airport has been upgraded, modernized, and expanded. The use of the airport has increased. New air carriers have been introduced to the airport. In 1985, the Allentown-Bethlehem-Easton Airport expanded its scope of activities by becoming an international airport. This change introduced direct international flights from the airport and provided customs services for air cargo. In 1994, the name of the airport was changed to the Lehigh Valley International Airport. The expansion of the airport has had extensive off-site effects in the Township as noted above.

The Township's position as an employment and commercial center for the Lehigh Valley has been reinforced over the last two decades. Lehigh Valley Industrial Parks II and III have been developed. Major retailing operations and numerous commercial uses have located in the Township.

With respect to the Township's current form of government, in 1976 voters chose to change the form of government from a three member Board of Supervisors (responsible for both legislative and administrative actions). The voters endorsed the recommendations of the Hanover Township, Lehigh County Government Study Commission, which recommended that a Council-Manager form of government be used pursuant to the Home Rule Charter. The substitution of the Council-Manager form was found to offer a stronger form of government, more clearly responsible and accountable to the people and more efficient in operation. The Study commission reported that by the township's operating under its own administrative code "this improves the capability of the township government to respond to future developments in a flexible fashion as well as to handle present problems efficiently and in keeping with the desires of the citizens". In contrast, the then existing second class code-based form was found to allow "very little latitude in which to innovate and meet the needs and desires of individual townships". Since that time, the Township has been governed by a five person elected Council which is responsible for legislative actions. The appointed Manager is responsible for administrative actions. which is responsible for legislative actions. The appointed Manager is responsible for administrative actions. COUNCIL

In recent years, Township facilities have been expanded, to include among other things an expansion of the Township Municipal Building, the construction of additional storage and garage facilities, and extensive work to create a passive recreation park (Canal Park) located off of Dauphin Street in Hanover

Today, Hanover Township, Lehigh County, operates as a second class Township, Home Rule Government Community which provides fire, ambulance, and garbage/recycling services to its residents. Well over 200 years old, the Township looks forward to a bright and prosperous future for Township Government, benefiting its residents and businesses well into the 21st Century and beyond.



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Government

Local government

Created as Delaware Township in 1844, the community was first governed by a Township Committee. On May 19, 1951, the citizens adopted, in a special election, a Walsh Act Commissioners form of government, consisting of a three-member Board of Commissioners. In 1962, the Township's population passed the 30,000 mark and two additional Commissioners were elected.

Following a study made by a Citizen's Advisory Committee, a special election was held in 1962 [39]. The township voted to change its form of government to the Council Manager, Plan-A under the Faulkner Act. Five Council members vere elected at large in a May election to serve concurrent four-year terms. The Council members elected one, of their own as Mayor, and a Township Manager, served as the Chief Administrator of the Township. [30]

By 1975, after a Charter-Study Commission report and the passage of a ballot referendum, the township adopted the Council-Manager Plan B form of government. Two features of the government were changed: council members were to be elected every two years for overlapping terms of four years and the number of Council members would increase from five to seven. [30]

After a 1981 referendum, the government changed yet again, this time to a Mayor-Council Plan B form of government. A full-time 'strong' mayor was elected directly by the people and seven Council members were elected all-large for staggered four-year terms. [39,31]

The most recent change, resulting from a ballot referendum in November 1986, changed the elections from a non-partisan May election to a partisan November election. [30]

The current Mayor of Cherry Hill is Chuck Cahn (D). [23] Members of the Township Council are Council President Dave Fischer, Council Vice President Sara Lipsett, Council Members John Amato, Dennis Garbowski, Jim Banner, Susan Shin Angulo, and Jacquelene Silver. [32]

Mayors since 1962 referendum:

- Bernard A. Platt (second term) 2002-2011 (D)
- Arthur Simons 2002-2003 (D)
- Susan Bass Levin 1988-2002 (D)
- Maria Barnaby Greenwald (second term) 1981-1987 (D) (deceased)
- Bernard A. Platt (first term) 1979-1980 (D)
- Maria Barnaby Greenwald (first term) 1977-79 (D) (deceased)
- Howard Gall 1980-81 (D) (deceased)
- Dr. John A. Rocco 1975-77 (R)
- John Holden 1971-1975 (D) (deceased)
- John Gilmour, Jr. 1962-1971 (R) (deceased)

Federal, state and county representation

Cherry Hill Township is in the 3rd Congressional district and is part of New Jersey's 6th state legislative district. [33] The legislative district was kept unchanged by the New Jersey Apportionment Commission based on the results of the 2010 Census. [6]

New Jersey's Third Congressional District is represented by Jon Runyan (R, Mount Laurel Township). New Jersey is represented in the United States Senate by Frank Lautenberg (D, Cliffside Park) and Bob Menendez (D, Hoboken).

The 6th District of the New Jersey Legislature is represented in the State Senate by James Beach (D, Voorhees Township) and in the General Assembly by Louis Greenwald (D, Voorhees Township) and Pamela Rosen Lampitt (D, Cherry Hill). The Governor of New Jersey is Chris Christie (R, Mendham). The Lieutenant Governor of New Jersey is Kim Guadagno (R, Monmouth Beach). [36]

Camden County is governed by a Board of Chosen Freeholders, its seven members elected at-large to three-year terms office on a staggered basis, with two or three seats coming up for election each year. [17] As of 2012, Camden County's Freeholders are Freeholder Director Louis Cappelli, Jr. (Collingswood, term ends December 31, 2014) [188] Freeholder Deputy Director Edward McDonnell (Pennsauken Township, 2013) [199], Rodney A. Greco (Gloucester Township, 2012) [190], Ian K. Leonard (Camden, 2012) [191], Scot N. McCray (Camden, 2014) [191], Jeffrey L. Nash (Cherry Hill, 2012) [191] and Carmen Rodriguez (Merchantville, 2013) [191] [191]

Emergency services

Police

The Cherry Hill Police Department (CHPD) is the second largest police department in the tri-county area. It employs over 130 sworn officers as well as 21 civilians. The current chief of the department is Rick Del Campo. The department's TRT (Tactical Response Team) responds to requests for the service of high risk warrants, the resolving of barricaded and/or hostage situations, and dealing with suicidal individuals just to name a few of their assignments. TRT responds to requests for mutual aid throughout the tri-county area as needed. CHPD is home to its own 9-1-1 public safety answering point (PSAP), when a resident of the township dials 9-1-1 they are routed directly to the CHPD, which provides a significant advantage in response time to the caller, the 9-1-1 center is the hub of the department's 800 Mhz Digital Radio System, as well as an advanced CAD (Computer Aided Dispatch) system, and RMS (Records Management System). Both systems work together to provide patrol units up to date information directly to their patrol car computers. CHPD's Community Policing Unit provides many services for residents including child fingerprinting, neighborhood watches, and drug & alcohol awareness seminars.

Fire department and EMS

The Cherry Hill Fire Department (http://www.cherryhillfire.org/) consists of 8 fire companies, including the Cherry Hill Fire Police Unit (http://www.cherryhillfirepolice.org/), along with several units spread throughout the town. The fire chief is Robert Giorgio, who was appointed in 2001. The department also has emergency medical services (EMS). The only hospital in Cherry Hill is Kennedy Memorial Hospital, located on Chapel Avenue. Residents also have access to nearby Virtua Hospitals, in Voorhees, Marlton and Berlin.

List of fire companies

- Engine 22 is located on North Kings Highway and Chelton Parkway. It was built in 2005 and began operating in 2006. This is Cherry Hill's newest fire station.
- Station 2 (Erlton Fire Company No. 1) is located on Route 70. It was established in 1927.

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Seven census-designated places or unincorporated areas are located within the township: Ashland, Barclay-Kingston, Cherry Hill Mall, Erlton-Ellisburg, Golden Triangle, Greentree and Springdale, [20] Woodcrest is one of Cherry Hill's oldest neighborhoods.

Cherry Hill's eastern border with Burlington County is defined by the Pennsauken Creek. The creek separates Cherry Hill from the communities of Maple Shade Township, Evesham Township (or colloquially, 'Marlton'), and Mount Laurel Township.

The Cooper River forms the southern border with Haddon Township, Haddonfield Borough, and Lawnside Borough, through the Maria Barnaby Greenwald Park and parallel to the east-west Route 70.

To the north, Cherry Hill borders Merchantville Borough and Pennsauken Township, while Voorhees Township shares its southern border along County Route 544 (Evesham Road).

Climate

Cherry Hill has a humid subtropical climate, with cool to cold winters and hot, humid summers.

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250	Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year		
	Average high °F (°C)	41 (5)	46 (8)	55 (13)	66 (19)	76 (24)	84 (29)	(31)	86 (30)	79 (26)	68 (20)	56 (13)	46	65.9 (18.8)		
	Average low °F (°C)	23 (-5)	25 (-4)	32 (0)	41 (5)	50 (10)	60 (16)	65 (18)	63 (17)	56 (13)	44 (7)	36 (2)	28	43,6 (6.4)		
	Precipitation inches (mm)	3,90 (99,1)	2.95 (74.9)	4.17 (105,9)	4.02 (192.1)	4.34 (†10.7) Source: ^[21]	3.93 (90.8)	4.84 (122.9)	5.18 (131.6)	4.17 (105.9)	3,53 (89.7)	3.51 (89.2)	3.69 (93.7)	48,25 (1,223.6)		

Economy

Pinnacle Foods, Subaru of America and TD Bank, N.A. have headquarters in Cherry Hill. [22][23][24]

Most adult citizens of Cherry Hill work elsewhere. Cherry Hill is a "bedroom community" within a one hour commute to Philadelphia, Camden, Trenton, and Princeton. A lesser number of individuals commute to Atlantic City, [citation needed]

Demographics

2010 Census

As of the 2010 United States Census, there were 71,045 people, 26,882 households, and 19,301 families residing in the township. The population density was 2,948.3 inhabitants per square mile (1,138.3 /km²). There were 28,452 housing units at an average density of 1,180.7 per square mile (455.9 /km²). The racial makeup of the township was 78.06% (55,459) White, 6.14% (4,360) African American, 0.11% (78) Native American, 11.69% (8,304) Asian, 0.02% (13) Pacific Islander, 1.83% (1,302) from other races, and 2.15% (1,529) from two or more races. Hispanic or Latino of any race were 5,64% (4,005) of the population. [5]

There were 26,882 households out of which 31.2% had children under the age of 18 living with them, 58.6% were married couples living together, 9.6% had a female householder with no husband present, and 28.2% were non-families. 24.2% of all households were made up of individuals and 11.6% had someone living alone who was 65 years of age or older. The average household size was 2.60 and the average family size was 3.12.^[5]

In the township the population was spread out with 23.0% under the age of 18, 6.7% from 18 to 24, 23.1% from 25 to 44, 29.5% from 45 to 64, and 17.7% who were 65 years of age or older. The median age was 43.1 years. For every 100 females there were 92.2 males. For every 100 females age 18 and over, there were 88.4 males. [5]

Census	Pop.	%±
1910	1,706	B
1920	2,331	36.6%
1930	5,734	146.0%
1940	5,811	1.3%
1950	10,358	78,2%
1960	31,522	204.3%
1970	64,395	104.3%
1980	68,785	6.8%
1990	69,348	0.8%
2000	69,965	0.9%
2010	71,045	1.5%

Population sources: 1910-1930-27 1930-1990^[26] 2000^{[27][28]} 2010^{[3][6][7][12]}

The Census Bureau's 2006-2010 American Community Survey showed that (in 2010 inflation-adjusted dollars) median household income was \$88,183 (with a margin of error of +/- \$2,748) and the median family income was \$105,786 (+/- \$2,321). Males had a median income of \$72,128 (+/- \$2,699) versus \$48,937 (+/- \$3,321) for females. The per capita income for the township was \$41,252 (+/- \$1,504). About 3.0% of families and 4.2% of the population were below the poverty line, including 3.9% of those under age 18 and 5.9% of those age 65 or over. [29]

2000 Census

As of the census of the census of 2,000, there were 69,965 people, 26,227 households, and 19,407 families residing in the township. The population density was 2,884.9 people per square mile (1,114.0/km²). There were 27,074 housing units at an average density of 1,116.4 per square mile (431.1/km²). The racial makeup of the township was 84.67% White, 8.87% Asian, 4.46% African American, 0.10% Native American, 0.03% Pacific Islander, 0.70% from other races, and 1.16% from two or more races. Hispanic or Latino of any race were 2.54% of the population. [27][28]

There were 26,227 households out of which 32.1% had children under the age of 18 living with them, 62.8% were married couples living together, 8.3% had a female householder with no husband present, and 26.0% were non-families. 22.5% of all households were made up of individuals and 11.0% had someone living alone who was 65 years of age or older. The average household size was 2.61 and the average family size was 3.08.[27][28]

In the township the population was spread out with 23.5% under the age of 18, 5.4% from 18 to 24, 26.4% from 25 to 44, 26.6% from 45 to 64, and 18.0% who were 65 years of age or older. The median age was 42 years. For every 100 females there were 91.6 males. For every 100 females age 18 and over, there were 87.2 males. [27][28]

According to a 2010 estimate, the median income for a household in the township was \$87,392, and the median income for a family was \$104,983. Males had a median income of \$82,325 versus \$49,129 for females. The per capita income for the township was \$43,192. About 2.6% of families and 4.7% of the population were below the poverty line, including 5.8% of those under age 18 and 9.7% of those age 65 or over. [27][28]

CHERRY HILL WIJ

Coordinates: 39.904611"N 74,997°W

Cherry Hill, New Jersey

From Wikipedia, the free encyclopedia

Cherry Hill is a township in Camden County, New Jersey, in the United States. As of the 2010 United States Census, the township had a population of 71,045, [5][6] representing an increase of 1,080 from the 69,965 residents enumerated during the 2000 Census. The township ranked as the 14th largest municipality in the state in 2010 after having been ranked 13th in 2000. [12]

Cherry Hill is in the Delaware Valley coastal plain about five miles (8 km) southeast of Philadelphia, Cherry Hill is considered an edge city of Philadelphia. [13]

Cherry Hill, New Jersey

- Township -

Township of Cherry Hill

Motto: You couldn't pick a better place[1]



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Location of Cherry Hill Township in Camden County.

Consus Bureau map of Cherry Hill, New Jersey. Coordinates: 39,904611°N 74,997°W

Country United States
State New Jersey
County Camden
Incorporated February 28, 1844, as Delaware

Township November 7, 1961, to Cherry

Hill Township

Government

Type Faulkner Act Mayor-Council
 Mayor Chuck Cahn (D)^[2]

Area^[3]

• Total 24.244 sq mi (62.792 km²)
• Land 24.097 sq mi (62.410 km²)

Land 24.097 sq mi (62.410 km²)
 Water 0.147 sq mi (0.382 km²) 0.61%

Elevation^[4] 82 ft (25 m)

Population (2010 Census)^{[5][6][7]}
• Total 71,045

• Density 2,930.42/sq mi (1,131.434/km³)

Time zone Eastern (EST) (UTC-5)
Summer (DST) EDT (UTC-4)

ZIP codes 08002, 08003, 08034^[8]

Area code(s) 856 FIPS code 34-12280^{[9][10]}

GNIS feature ID 0887155[11]

Website http://www.cherryhill-nj.com

was composed of modern-day North Camden, present-day Cherry Hill, Merchantville, and Pennsauken (including Petty's Island in the Delaware River).

History

The township grew explosively after World War II, and continued to grow until the 1980s. Today, the municipality's population is stable with new development generally occurring in pockets of custom luxury homes or through the rehabilitation and adaptive reuse of commercial and industrial areas.

The area now known as Cherry Hill was originally settled by the Lenni-Lenape Native Americans who coexisted

peacefully with the first settlers from England, Quaker followers of William Penn who arrived in the late 17th century.

1141 The first settlement was a small cluster of homes named Colestown, in the perimeters of what is now the Colestown

Cemetery on the corner of Route 41 (King's Highway) and Church Road. The municipality was founded on February 25, 1844, in Gloucester County as Delaware Township from half of the area of Waterford Township, and became part of

Camden County at its creation some two weeks later on March 13, 1844. [15] At its territorial peak, Delaware Township

Origin of the name

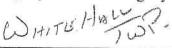
Cherry Hill was a 19th-century farm on Kaighn Avenue/Route 38 which was owned by Abraham Browning. The farm property later became the Cherry Hill Inn (now an AMC-Loews movie theater complex), as well as an RCA office campus (now a shopping center), and today's Cherry Hill Towers and Cherry Hill Estates housing developments. [15]

Adding to the prevalence of the Cherry Hill name, developer Eugene Mori branded several properties similarly, including the Cherry Hill Inn and Cherry Hill Lodge hotels, Cherry Hill Apartments, and Cherry Hill Estates. [17] Cherry Hill Shopping Center (now known as Cherry Hill Mall) opened in 1961 opposite the old Cherry Hill Farm site, featuring 75 stores all in a single enclosed space. [18]

In time, the township also sought a new post office, but another New Jersey town already claimed the name Delaware Township. The postal service suggested a name change, and Delaware Township mayors Christian Weber and John Gilmour pursued public write-in campaigns to select possible titles. The name 'Cherry Hill' was chosen by the township's citizens in a non-binding referendum in 1961, and was officially adopted November 7, 1961. [15]

Geography

Cherry Hill township is located at 39°54'17"N 74°59'49"W (39.904611,-74.997). According to the United States Census Bureau, the township had a total area of 24.244 square miles (62.792 km²), of which, 24.097 square miles (62.410 km²) of it is land and 0.147 square miles (0.382 km²) of it (0.61%) is water. [19[3]





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Jon Hammer leaving Bethlehem Township, Pa., manager position after eight years for new job at South Whitehall Township

Saturday, July 10, 2010

By COLIN MCEVOY

The Express-Times

BETHLEHEM TWP., Pa. | After eight years at the helm of the township, manager Jon Hammer is leaving his position for a new job as manager of South Whitehall Township.

Hammer, who expects to leave Bethlehem Township for the new job in August, was chosen from 64 candidates for the South

"I love it in Bethlehem Township. Great staff, great people, great community," Hammer said. "I was just looking for some new challenges over at South Whitehall."

Paul Weiss, township supervisor vice president, said supervisors have not yet discussed whether they will fill the position internally or seek outside applications.

"Their gain is our loss," Weiss said. "He really is a great guy. He knows municipal finance, he handles people well. I really have heard no complaints about him."

If necessary, Weiss said, Assistant Township Manager Doug Bruce could step into the top position on an interim basis until a permanent candidate is chosen.

Hammer will earn \$102,000 per year at South Whitehall, an increase from his 2009 base salary of \$87,526.

Among the highlights from his eight years at the township, Hammer cited construction of the Southmont Shopping Center, major township traffic improvements and the start of a 500-acre St. Luke's Hospital Riverside campus.

He expressed particular pride in the Bethlehem Township Community Center, which was constructed in 2006 as part of a more than \$10 million project.

"We've built probably the most successful community center in eastern Pennsylvania," Hammer said. "It's a jewei in our community, and it's well used by the residents."

But Hammer stressed these accomplishments were not his alone, but those of the board of supervisors, township staff and residents of the community.

"Nothing's done by one person," he said. "There's so many people who have contributed to what we've done here in Bethlehem Township,"...

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TYRONE - Borough Manager John V. Cornell has more than 25 years' experience with municipal government in several eastern Pennsylvania countles and recently sat down with Mirror staff writer

Cornell: Basically when I decided to go to college, I was always interested in government and history and that sort of thing. I completed two years of community college and then transferred to Temple University and majored in political science.

I got my first job working as a township code enforcement officer and then became assistant manager, and in another community, they were actually just creating a manager job, and I applied and got the position.

The other thing is social media and technology. In the mid- to late-80s, people didn't use computers. Now when you get an email,

People expect websites and for you to have a presence on Facebook. This takes staff and resources that smaller communities may not

Overall, I've seen the greatest change is, it's all about me as an

Q: What advice do you have for those in public administration just

A: You must stay apolitical. We don't advocate anything political;

You don't see younger people getting into the profession, so you do see some seasoned managers out there. As a municipal manager, you're wearing many hats.

the code enforcement officer.

best analogy is we're a lot like football coaches.

Manager faces increasing demands

Lack of debt allows Tyrone to add officers

The Altoona Mirror

Greg Bock to talk about what goes into running a small municipality

Mirror: What led you into your field, public administration, and how did you get your start?

What I found during my time as township code enforcement officer and assistant manager was that my personality really worked well

Q: How has the field changed since you began your career?

A: I think it has changed significantly. A lot of it has changed as in who we work for. People are more demanding. The national tone has trickled down locally. Now it's: "What can you do for me?" as opposed to "What's good for the general welfare of the community?"

people want an immediate response.

individual person; what are you going to do about my problem?

starting out their careers?

we're professional-managers.

Most small municipalities don't have the resources to have different people for each job, so you have to be a manager and maybe also

Most managers in this line of work last three to seven years. The

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Fact Box

Cornell file

Name: John V. Cornell

Age: 55

Education: Graduate of Temple University political science

Experience: 14 years as Rockhill Township Smy5 manager, Bucks County, before taking job as 579 mg Tyrone Borough manager in September 2010

Family: Married with five children



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My advice would be, strive to do it the right way, don't be pressured by politics, don't take it personally and try to be flexible. You have to be able to roll with the punches and not compromise your beliefs.

Q: It's been said that municipalities have to be run like a business, but obviously there are differences. How is it the same and how is it different?

A: For one, it's not a business. Businesses typically run on a profit and loss perspective. How it can run like a business is by being efficient and cost-effective.

In business, you answer to the profit and loss statement, the shareholders and board of directors, and if you don't, then you're out of business.

In government, you answer to the taxpayers. In Tyrone, we have 5,300 residents. I answer to them and the board of elected officials who are subject to the will of the residents.

Q: Unfunded mandates are often brought up as a barrier to local governments keeping costs down. Are there any in particular that stand out to you?

A: A small one everyone's got to face is the federal government came down and said you have to take your street signs and enlarge them and have them a certain way.

Some guy at the Department of Transportation came up with this idea, and so everyone now has to pay for new signs.

It's just spending dollars we don't need to spend.

Another one, a bigger one, is the prevailing wage. Normally, in my experience, the prevailing wage adds 20 percent to a building project, such as streetscape.

Once you get more than \$25,000, prevailing wages kick in, and it's an extra expenditure of dollars.

People say government is inefficient, but when you impose something like [the prevailing wage], it's like taking 20 percent of that money and throwing it out the window.

Q: Tyrone Borough is in the black financially while other municipalities, big and small, struggle to make ends meet. How does Tyrone do it?

A: You have to live within your means. The problem in our culture for the past 20 to 30 years is that we haven't been doing that.

Fortunately, the borough councils here and former managers kept control of spending and borrowing.

There's no debt

That's a real advantage for Tyrone.

Q: Tyrone is expanding its police force by three full-time officers at a time when small communities are having a hard time maintaining their level of policing. How is the borough able to afford this?

A: One, we don't have any debt. We are going to reduce the number of part-timers.

The whole purpose of new police officers is better community policing.

Part-timers come and go and don't really get to know the community. So [Chief John Romeo] wants to get people out onto the street – out on foot patrols – and has talked of bringing back bike patrols.

It also frees up people to go get training and that leads to better police officers.

Q: What are some challenges facing Tyrone?

A: Trying to lure business and take advantage of the available properties and opportunities that exist. Getting people on the outside to see those opportunities.

That's what intrigues me about Tyrone. There's so much potential.

That's what's so exciting about it.

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North Whitehall to appoint first manager tonight

Supervisors have traditionally held full-time salaried jobs with the township.

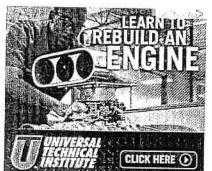
January 05, 2012 | By Marion Callahan, Of The Morning Call

The North Whilehall Board of Supervisors plans to appoint its first township manager at a Jan. 23 meeting, a move that represents a new way of doing business and costs a longtime community leader his job.

At its first meeting Tuesday, the three-member board did not reappoint former Supervisor Ron Stahley, who has helped run the township since 1994 and has worn everything from a fire helmet to a hard hat as both an elected official and a township employee.

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In the fall, Stabley, 61, announced he was not seeking reelection and cast a vote to hire a township manager — though he knew the decision would put his job in jeopardy.

North Whitehall has traditionally been run by supervisors who hold full-time salaried jobs with the township, such as director of public works and manager of community services. It's a practice that Supervisors Jerry Joseph and Steve Pany have pledged to phase out.

Brenda Norder, the township's secretary and freasurer, said Stahley's employment ended Dec. 31. Supervisor Ronald Heintzelman, however, still holds his salaried position of community services coordinator.

The decision to hire a manager was made in August after Stahley, who also worked as a full-time township employee, announced he would not seek reelection. Supervisors in September voted 3-0 to create a township manager position.

The board then estimated that the position, including benefits, could cost North Whitehall \$120,000 a year.

Joseph has said a township manager is needed to run the township of nearly 16,000 residents and to provide options for future supervisors who have careers and may want to serve the public without committing to a township job.

Though he approved the decision, Stahley said the decision left his \$60,000-a-year job as public works and municipal coordinator on unstable ground.

At the time, he said: "I don't know what will happen to my job; it was a very emotional and difficult decision. It will be up to the new manager to determine how my responsibilities are parceled out."

Norder said about 30 applications for the position were received when it was advertised in September.

mtcellahen@mcatl.com

30 APPLICANZ

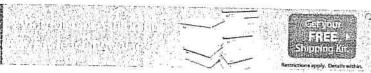
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North Whitehall to hire its first township manager

Motion passes despite some public opposition. Position may be filled by January.

September 21, 2011 | By Marion Callahan, The Morning Call

By January, a full-time township manager may oversee everything from budgets to building repairs in North Whitehall.

The Township Board of Supervisors on Tuesday voted 3-0 to create a township manager position, despite public outcry over the timing and potential costs.

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It has long been the practice in North Whitehall, which became a township in 1810, to have supervisors who hold full-time – salaried jobs with the township, such as director of public works and manager of community services.

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Supervisor Jerry Joseph the sole part-time official, said a township manager is needed to run the town of nearly 16,000 - residents and to provide options for future supervisors who have careers and may want to serve the public without committing to a township job.

"We have to ask ourselves: Do we want a supervisor who wents a job or a supervisor who wants to serve the township?".

Joseph said.

Township resident Ron Roth asked the board to hold off until the November election, when residents will have their chance to vote an expanding the board from three to five members. "Shouldn't the newly elected members have a say in this?"

Joseph said the township is long overdue for a leader to take charge. He said 17 of the 24 townships of comparable size in Lehigh and Northampton counties employ managers who supervise everything from drafting spending plans to dispatching road crews.

The move to consider a manager came after Supervisor Ron Stahley, a full-time township employee, announced he would not seek re-election. Stahley, who has helped run the township for 18 years, said he's juggled a variety of township roles over the years.

His support for the new position comes with mixed emotions, he said. The new measure leaves his \$60,000-a-year job as public works and municipal coordinator on unstable ground.

"I don't know what will happen to my job; it was a very emotional and difficult decision," said Stahley, who will not be seeking the township manager position. "It will be up to the new manager to determine how my responsibilities are parceled out."

Still, he believes that supervisors should be setting township policy and a manager should be in place to make sure those policies are followed.

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Logan Township seeking manager

Supervisors ready for a few changes during the new year

January 10, 2010

By Kay Stephens, kstephens@altopnamirror.com

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Logan Township is starting a new fiscal year with the single priority task of finding a new manager.

Beyond that, supervisors are in a position to consider new efforts because they have been resolving others.

In May, the township moved into a new municipal complex, replacing the building and site it outgrew. In December, supervisors approved land development plans for a proposed wind turbine farm on Chestnut Flats after months of concentrating on efforts to head off potential complaints.

Also in 2009, supervisors made a decision to influence where future Penn State Altoona students might live and took a stance to preserve residential housing around the campus.

Meanwhile, the township's financial picture remains strong, keeping supervisors from having to consider major budget cuts or a real estate tax increase.

"The tendency would be to rest on your laurels," said Supervisor Ed Frontino, who is starting a six-year term on the board after serving two years by appointment.

But Frontino and fellow supervisors say they expect new and old issues will provide plenty of work in 2010.

"I'm sure some of the old issues will become new issues, because some things are never resolved," supervisors Chairman Frank Meloy

Stormwater management and flood control might fit into the category of never being resolved. Those issues attract attention and controversy during rainy weather and less when there's a dry spell,

Supervisors Vice Chairman Jim Patterson said the township has to be ready for anything.

"Years ago, no one could have predicted that we would have windmills as quick as they came up," Patterson said.

Supervisor Joe Metzgar, starting his third year as a supervisor after serving on the planning commission, which initially researched the wind turbine issue, agreed with Patterson.

"We have to make sure we're prepared to face whatever comes forward," Metzgar said.

David Rhoa, starting his first year as a supervisor, said he recognizes efforts made to adopt a no-tax-hike budget during a tough economy and praised his new colleagues.

"I hope we'll be saying no tax increase next year," Meloy said. "But you never know."

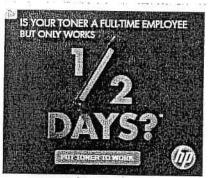
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Logan Township seeking manager - AltoonaMirror.com - Altoona, PA | News, Sports, Jo...

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Meloy, starting his 15th year, said the current economy generates constant issues for supervisors and other elected officials who work on behalf of others to make sure they have services such as fire and police protection.

"We live in very challenging times." Meloy said. "We have a lot of citizens on fixed incomes."

Yet the township must keep working on improvements to its services, Patterson said.

"Our police department has to keep chasing crime out of Logan Township," he said.

The township's financial picture has improved in the last decade with an increase in housing developments and the opening of the Logan Town Centre shopping complex.

It also received a boost about 10 years ago when amusement tax revenue started pouring in after the Blair County Ballpark opened. The township uses that money to buy new equipment.

The 2009 and 2010 budgets, however, show evidence of slowing growth and the drop in amusement tax revenue because of the drop in attendance at the ballpark.

Also, the township's 2010 budget shows higher estimates for utilities and cleaning the new municipal complex.

For the township to be ready for future growth, Meloy said it has to figure out how to maintain and replace aged infrastructure.

Sewer Director Dave Pozgar, who is acting as township manager until one is hired, already recommended an increase in sewer rates over three years and had supervisors approve the first increment for 2010.

As for a new township manager to replace longtime Manager Bonnie Lewis, who retired in December, Patterson said Pozgar is doing well in the Interim position. Supervisors interviewed three candidates and have plans to interview three more.

"There's no hurry on that decision," Patterson said.

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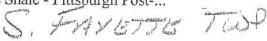
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South Fayette manager resigns amid controversy over Marcellus Shale

By Andrea Iglar /

Mike Hoy, the South Fayette manager for nearly 11 years, announced Monday night that he is resigning from the township, effective Nov. 11.

The Pittsburgh Post-Gazette received reports after the meeting that Mr. Hoy is planning to take a job at MarkWest Liberty, the natural gas processing firm. In an email Wednesday, he wrote, "I have not officially accepted any employment at this time."

His departure comes amid the township's battle over Marcellus Shale development and the legal challenge by gas firm Range Resources of the municipality's natural gas drilling regulations. MarkWest is a strategic partner with Range Resources.

Mr. Hoy could become the second township administrator to resign this year to take a job with MarkWest Liberty, an affiliate of drilling firms Range Resources and Chesapeake Energy that processes and transports natural gas extracted from the Marcellus Shale.

Former engineer David Gardner quit in April and took a job with the company.

MarkWest, with offices in Southpointe, is the Marcellus segment of the Denver, Colo.-based MarkWest Energy Partners LP. Liberty is the largest natural gas processor in the Marcellus Shale, according to the company's website.

Mr. Hoy's last day of work will be three days after the general election when three or four new Connected faces will have been voted onto the five-member board of commissioners. The manager's man us 750 and resignation was added to the meeting agenda Monday night following a brief closed-door session.

In his resignation letter, Mr. Hoy wrote that South Fayette will face challenging issues in the coming years that will require leaders who can unify the community.

"Unfortunately. I do not necessarily foresee that the future political environment will lend itself to very foresee that the future political environment will lend itself to very forese creating this clear direction and community unity," he wrote. "Therefore, it would make the most sense to step aside and allow the community to hire a new township manager that will proscribe to the needs and direction of the newly elected leadership."

Mr. Hoy said Monday he was in the process of obtaining a position in the private sector, but he declined to specify the employer until the hiring could be finalized next week. On Tuesday,

South Fayette manager resigns amid controversy over Marcellus Shale - Pittsburgh Post-...

reports came in that Mr. Hoy planned to take a job with MarkWest, an energy business that builds natural gas pipeline systems, processing plants and compressor stations.

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Over the past couple of years, he has helped to develop the township's drilling and processing regulations as well as a proposed overlay plan that would have expanded the areas where drilling is permitted.

Mr. Hoy, 42, became manager Jan. 1, 2000. His children attend South Fayette School District. The township manager's salary is listed as \$91,047 in the 2011 budget.

"I wish the community the best," he said.

Commissioners Tom Sray, Sue Caffrey, Cindy Cox and Deron Gabriel voted 4-0 to accept the resignation. Greg Curl was absent.

In his letter, Mr. Hoy thanked Mr. Sray, Ms. Caffrey and Ms. Cox for being professional, Confugration of supportive and pleasurable to work with. He did not mention Mr. Gabriel, the only incumbent who is running for re-election.

Ten candidates are vying for four commissioner seats Nov. 8. Most, including Mr. Gabriel, support township's ban on surface drilling development in neighborhoods, schools, parks and farms.

Ms. Caffrey, Ms. Cox and Mr. Curl are not running for re-election. Mr. Sray's term is not up.

"It's really such a loss for the township," said Ms. Caffrey, who works for MarkWest.

Andrea Iglar, freelance writer: suburbanliving@post-gazette.com. Staff writer Erich Schwartzel contributed: eschwartzel@post-gazette.com or .

First Published 2012-03-15 05:04:33

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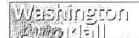


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South Fayette hires township manager

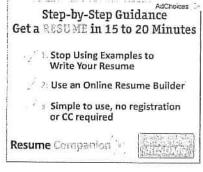
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After a four-month for a new township manager, commissioners in South Fayette Township voted unanimously Wednesday to hire Ryan T. Eggleston.

Under a two-year agreement, Eggleston, who is the city manager for Oil City, will be paid \$82,500 plus benefits as well as a \$500 per month car allowance. Eggleston will start on une 4. Marshall Bond has been serving as interim township manager since November 2011 after former manager Mike Hoy resigned to pursue a job in the private sector.

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W. NOTELTON TWO

West Norriton Closer to Finding New Township Manager

The thirty three applicants who responded to the township's request for qualifications have been narrowed down to three finalists.

- ByJames Myers
- Email the author
- April 29, 2012

According to The Times Herald, West Norriton's search for a new township manager may be nearing its end as the board of commissioners plans to hold interviews with three applicants on May 10.

"A discussion of the three candidates will take place right after the interviews to make a final choice," Acting Township Manager Joseph Hein told the Herald. "[Solicitor Robert] Kerns will draw up an offer and we'll see if it is accepted."

The original field of 33 applicants were whittled down to seven who were interviewed by phone a few weeks ago. Of the seven, three were selected for the final, in-person interviews.

No word on what the salary would be for the position and the request for qualifications stipulates that a contract won't be considered until after "one year of successful service."

The township has been looking for a new manager since the beginning of February when International Market the board inexplicably voted unanimously to terminate former Township Manager Karen 2006 - 2012 Madden's contract. Since then, Hein, who served as township manager for almost ten years until his retirement in 2006, has been filling in at the request of the board.

Hein told the Herald the commissioners expect to officially hire someone in either a June board work session or possibly before that in a special meeting.

Read more about the West Norriton township manager search here.

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W. Donegal accepts resignation of Viscome

Manager had served township for 9 years, region for 30 years

Intelligencer Journal Lancaster New Era

Updated Dec 20, 2011 23:09

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By KEN E. BRANDT Correspondent West Donegal Township supervisors voted 3-2 Monday to accept the resignation of township manager Nick Viscome.

At an executive session, supervisors received a one-sentence letter from Viscome stating he resigned "effective Dec. 31."

The issue was taken up by supervisors in an executive session lasting about 45 minutes Monday. They resumed the public meeting, and the resignation was accepted in a vote in favor by Roger Snyder, Clair Hilsher and Nancy Garber. It was opposed by Ralph Horne, township chairman, and Charles Tupper.

Viscome, who was absent from the meeting, has accepted the position of manager of the newly established Elizabethtown Regional Sewer Authority.

He will oversee the operation on an hourly fee basis for 25 to 30 hours per week, according to Keith Murphy, chair of ERSA.

Viscome said he offered to work for the township for 15 to 20 hours per week as a consultant, but supervisors did not accept that offer.

Snyder finding a candidate to replace Viscome may take a couple months.

Tupper suggested Viscome got disgusted with the sniping he was receiving from several of the supervisors, but he would not identify them.

Tupper said the new board of supervisors must fill the position of manager with a person such as Viscome who has the honesty, integrity and expertise of managing a 2nd class township.

Horne, who made a comment during the meeting about "what happened today," explained Snyder and Garber had a disagreement with Viscome earlier in the day in regards to Viscome being able to access his computer and personnel office items.

Hilsher and Snyder said after the meeting that they agreed with Horne's statement.

Garber offered "no comment" when asked about the resignation.

Viscome has served 30 years in municipal government. A graduate of Harvard University, Kennedy School of Government and courses at Elizabethtown College, he served 21 years as manager and co-manager of Elizabethtown Borough.

He filled the position of manager of West Donegal Township for nine years.

His contract with the township was for 25-30 hours per week. He also did municipal consulting for other local governments.

Supervisors were castigated Dec. 5 by a resident critical of the 3-2 vote that led to the That I have immediate elimination of the position of assistant township manager on Nov. 23.

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Neshannock Township Supervisor Ed Stevens questions a resident.Erica Galvin

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Nancy Lowry

New Castle News (http://www.ncnewsonline.com)

NEW CASTLE — (Video screen appears below story.)

After only two weeks on the job, Neshannock Township manager Craig Altman has resigned.

At a special meeting Thursday morning, Supervisors Ed Stevens, Joe Gierlach and chairman Ralph Sheen approved the resignation.

That was the first yes vote on the topic cast by Gierlach, who opposed creating the position, advertising for it and hiring someone to fill it.

Reading Altman's letter, Sheen noted "personal reasons" were cited for the sudden departure.

"That said, we'll go ahead and look for a manager as (we did) before," Sheen said.

This prompted comments from township resident John DiCola Sr.

"You say you're seeking volunteers," DiCola said. "A very well-qualified person had volunteered to take that position and you never considered him."

Among the applicants for manager was former township supervisor Gale Measel Jr., who had served 24 years as supervisor, many as chairman.

Prior to Altman's hiring, Measel had said he would take the manager's job on a volunteer basis, saving the township the \$40,000 salary budgeted for the post.

Altman's letter was dated April 13 — two days after he attended his first and only supervisors' meeting as manager. It stated his resignation was effective April 16.

Photos, Video, Story: Neshannock manager resigns after just two weeks on job » Photos-...

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This raised Gierlach's ire.

Following the meeting, Gierlach said he had not been told of the resignation in a timely manner.

"Yesterday (Wednesday), I sent Ed Stevens a text asking him what was going on," Gierlach said. "As of 4 p.m., he had not responded."

Gierlach said he found a copy of Altman's letter of resignation in his office at the township building yesterday morning, prior to the meeting. "And (Stevens) said he'd known of the resignation since Tuesday."

Attempts to reach Altman by phone and Stevens by phone and email were unsuccessful.

The New Castle News filed an open records request March 22 for Altman's resume and job application and the resumes of other applicants for the manager's post. The information still has not been provided.

On March 26, Sandra Snyder, the township's open records officer, sent a letter informing The News that additional time was required to process the request and information would not be available for 30 days.

Yesterday's meeting, advertised as a "general purpose meeting," had been scheduled at the supervisors' April 11 meeting. At that time, the supervisors indicated they were planning a meeting to discuss "personnel." No personnel issues were raised yesterday and the supervisors did not have an executive session with solicitor Lou Perrotta.

(Email: nlowry@ncnewsonline.com (mailto:nlowry@ncnewsonline.com))



New Castle News 27 North Mercer Street New Castle, PA 16101

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July 200

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Township manager's spending draws questions in Radnor

March 04, 2009 | Filed in: RTK request stories | Open records | Radnor Twp

By WILLIAM BENDER

Philadelphia Daily News

Imagine a job that includes a six-figure salary, a generous benefits package, an interest-free loan for a new house, an SUV for personal use and the ability to award yourself no-questions-asked bonuses every year.

Welcome to Dave Bashore's world.

The manager of affluent Radnor Township, on the Main Line in Delaware County, could be fired as early as tomorrow in the wake of the discovery that he was distributing annual lump-sum payments to himself and other employees since 2000,

And Bashore had been working under a lucrative contract - which some commissioners say they never voted on - that included a \$175,000 signing bonus for a down payment on a home.

"I've never seen a contract like that before, with that extent of benefits," said attorney Neil A. Morris, whom the board of commissioners appointed last year to help clean up Radnor's finances.

Bashore, a former Congressional Budget Office analyst, was suspended last week after Radnor commissioners obtained financial documents detailing nearly a decade of questionable bonuses. Last year, his total cash compensation was \$177,000, including a \$15,000 "miscellaneous" bonus he gave himself.

At last week's board meeting, Board President Thomas Masterson Jr. grilled Bashore about the payments and later referred the matter to District Attorney G. Michael Green. Masterson also said he was "shocked" to learn that township Solicitor David Blake's compensation had mysteriously increased this year.

"This board decided in December that there should be no increases, no raises, nobody was supposed to get any more money," Masterson said at the meeting. "And now I find out on this disbursement list that the solicitor's fee was raised \$8,000. So how did that happen?"

"I'll have to look into what actually did happen and get back to you," Bashore said.

"Tell me," Masterson said. "What are the possibilities?"

"The possibilities are endless," the manager responded.

Township records show that Bashore has paid himself \$128,000 in annual bonuses since 2001. Over the last four years, he has awarded more than \$500,000 in bonuses to 38 employees. Bashore has said the payments were based on a policy that he drafted, but which was never approved by the board. 上海のな のデ

"There's absolutely no authority for you as township manager to be creating policy documents, signing them, dating them and putting them in a drawer and making decisions about important things like compensation to yourself without bringing it to the board's attention, Masterson said.

Bashore disagreed, citing Radnor's administrative code. On the advice of his attorney, he declined to comment this week, but in a prepared statement denied any wrongdoing.

"I am confident that a fair and impartial review of my actions - especially viewed in the context of peer municipalities and related governmental entities - will reaffirm their appropriateness," he said.

The board will meet tomorrow night and could vote to terminate Bashore.

Bashore's contract and other previously undisclosed documents were pried loose in recent months by residents who filed records requests under Pennsylvania's Right to Know Law, which was strengthened this year.

"The law was finally on our side, to increase transparency," said Christina Perrone, à Democratic committeewoman who filed some of the requests. "If we found all this stuff in one month, I can't imagine what's out there."

Radnor's board of commissioners consists of five Republicans and two Democrats.

Assistant D.A. Michael Mattson confirmed that his office was reviewing the "propriety of the payments" to Bashore and other employees.

"At this time, there's no indication that any other employee has done anything improper," said Morris, the board's special counsel.

Morris, a lawyer with Archer & Greiner in Philadelphia, was appointed by the board last fall to probe the township's finances after it was revealed that employees had accumulated millions of dollars in comp time, and vacation and sick days.

Radnor Treasurer John Osborne, an elected Republican and a former FBI agent, said he had fought with the board for years to

Township manager's spending draws questions in Radnor | RTK request stories, Open rec...

determine how money was being spent, with little success. Osborne said that his signature automatically is added to township checks, but that he now plans to sign each check by hand, "so I see what's going on."

Commissioner Harry Mahoney, who signed Bashore's 2001 contract while vice president of the board, did not return a phone call or e-mail seeking comment. Neither did Blake, who also signed the contract.

The contract included an unusual \$175,000 non-interest-bearing loan for a Radnor house that Bashore wouldn't have to pay back if he held the job at least 12 years. Bashore was already the assistant township manager, but was living in Chester County.

In letters to the township's auditors, Radnor officials said they would "prefer not to disclose" details of Bashore's loan because it is a "personnel matter."

The letters were signed by Bashore, Mahoney and the township's finance director.



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Township manager making early exit

Penska leaving for Adams County after just 4 months

December 30, 2010

By Amanda Clegg, aclegg@altoonamirror.com

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BELLWOOD - Antis Township Manager Albert Penksa, who has held the municipal position only a few months, is moving on.

Penksa was hired Wednesday as Adams County manager at a salary of \$87,500, according to the county's human resources office in Gettysburg.

Antis Township supervisor Ken Hostler said the supervisors will officially accept Penksa's resignation at the annual re-organization meeting at 7 p.m. Monday in the municipal building.

The supervisors hired Penksa, a one-time Johnstown city councilman and Cambria County Controller, at a salary of \$57,500 in August. He replaced former manager Jeffrey Ziegler, who took a job in Moon Township in July.

Hostler and Chairman Ray Amato said Wednesday they were surprised at Penksa's leaving.

"He had a lot to offer," Hostler said.

Supervisor Charles Taylor said why Penksa is leaving is a personnel matter and he could not comment on that.

Penksa did not return a phone message Wednesday.

The supervisors said they plan to hire a new manager at the reorganization meeting. Hostler declined to give the candidate's name, but said he was among the pool of about 40 applicants for the job before it was offered to Penksa. He was re-interviewed for the position.

Amato wished Penksa luck and said the man filling his vacancy will "have his hands full" with matters such as Community Development Block Grant money and meeting the township's needs for the upcoming year.

Mirror Staff Writer Amanda Clegg is at 949-7030.

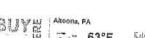
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By Brett Hambright Reading Eagle

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After only six months on the job. SheaBrianna Scharding has been fired as Cumru Township manager.

The commissioners voted 4-1 Tuesday in favor of Scharding's immediate termination. Ruth O'Leary cast the only no vote.

"We agreed she should be terminated in regard to her performance," Michael A. Setley, township solicitor, said after the meeting. "She was not taking this township in the direction we wanted."

Efforts to reach Scharding were unsuccessful.

Scharding was placed on paid administrative leave Aug. 17, and township officials deliberated for two weeks on whether to make her dismissal permanent. Setley said. She was hired in February at an \$80,000 annual salary.

There wasn't one specific incident, or any criminal reason, she was let go, officials said.

"There were several issues that came up. This has been going on for months." said Edward L. Gottschall, commissioners vice president. "I wasn't alone" in wanting her dismissal



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O'Leary, who opposed the firing, said she didn't feel there were inadequacies in Scharding's performance.

"I disagreed with the decision," she said after the meeting. "I was happy with her performance."

Officials declined to discuss specific incidents, explaining that they are expecting litigation in the matter,

The commissioners discussed the dismissal during a 20-minute closed-door session before voting on the action in public.

Scharding, 28, held a similar position in Delaware County before leaving that post for Cumru. She was picked from more than 100 applicants.

Shi was an active proponent in fighting state storm water regulations that could cost the township more than \$1 million. The Department of Environmental Protection recently agreed to extend its deadline for compliance

Contact Brett Hambright: or bhambright@readingeagle.com.

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BOARD OF SUPERVISORS REORGANIZATION MEETING

AGENDA

JANUARY 7, 2008

Call to Order 6:30 p.m.

Board of Supervisors to appoint a Temporary Chairman.

- Public Comment
- Organization of the Board of Supervisors:
 - a. Election of Chairman.
 - b. Election of Vice-Chairman.
- Appointment of a Voting Delegate and Alternate to the Annual Convention of the State Association of Township Supervisors.
- Consideration of appointing Township Manager for 2008. <u>Resolution No. 2028</u>
- Consideration of setting appointments of various Township Officials for 2008. Resolution No. 2027
- Consideration of approving Resolution appointing a Township Secretary/Treasurer and Authorizing
 the Secretary/Treasurer to sign all contracts, plans, documents and legal papers on behalf of and in lieu
 of the Board of Supervisors.
 Resolution No. 2029
- Consideration of approving the 2nd and 4th Wednesday of each month as Supervisors' Regular Business Meetings and the 3rd Wednesday of each month as a Work Session.
 Resolution No. 2030
- Consideration of approving a Resolution setting the amount of the Treasurer's Bond for 2008 at \$3,000,000.
 Resolution No. 2031
- Consideration of approving appointments to fill the vacancies on the various Township Boards and Commissions for the year 2008.
 Resolution No. 2032

Board of Supervisors Minutes of Reorganization Meeting – January 7, 2008 Page 3 of 13

Mr. Forest noted that agenda items are in a different order from when he picked up his electronic packet.

Kevin Corrigan questioned the motion on the floor. Solicitor Smith replied there was a motion on the floor that did not receive a second, therefore there is no motion on the floor to discuss.

Mrs. Rash said there was no motion on the floor to discuss, but there were two people who want to make a comment.

Kevin Corrigan thanked Mrs. Rash. He expressed dismay, and requested an explanation of why the township manager might not have a job at the end of the night.

Lori Rosolowsky requested clarification on the process, specifically that there is an agenda item, and a motion must be made, and then before a vote is taken, the pubic has an opportunity to give comment? Mrs. Rash explained you make a motion and get a second, and then open to the floor for comment.

Lori Rosolowsky questioned if there was a motion made. Solicitor Smith responded there was a motion that Mr. Rowan made to reappoint Mr. Stepnoski as township manager, and there was not a second yet, and until there was a second the motion was pending.

Mrs. Rash placed a new motion on the floor, amending the first motion. Mrs. Rash moved not to reappoint Mr. Stepnoski as township manager, and to discontinue his services as of January 7, 2008. Mrs. Rash thanked Mr. Stepnoski for his dedication and service to this township as supervisor and township manager. Mrs. Rash stated the second part of the motion was to move that the township hire labor counsel to negotiate a severance package for Mr. Stepnoski. The third part of the motion was to appoint Dana Cozza as Acting Township Manager during which time the manager position will be advertised and prospective candidates will be interviewed by the Board of Supervisors for the manager position. Mr. Forest seconded the motion.

Solicitor Smith said due to the second on the motion, it can be opened to public comment.

Edie Sharp, a resident of Buckingham Township, asked why there was no second on the motion for Ray.

Mrs. Rash explained she amended the motion because in her opinion, we need to move forward in a different direction, which is not a comment on skills, its not something legally that was done wrong and it is a personnel issue as far as having a discussion about it

Al Becker stated he was very concerned about changing upper management while there are contentious issues in Buckingham Township, specifically traffic, development and

BUCK NGHAM TWO

Board of Supervisors Minutes of Reorganization Meeting – January 7, 2008 Page 4 of 13

land preservation. He stated that he thought Mr. Stepnoski raised a lot of professionalism to his job, and that he has been able to run this township correctly.

Mr. Rowan stated that he received a call from Mrs. Rash at 4:00 this afternoon telling him she was going to make this motion, and remove Mr. Stepnoski as township manager. He said there has been no discussion amongst the Board about this action. He said there was not one negative review in Mr. Stepnoski's personnel file, and that this action was a total surprise to himself and to Mr. Stepnoski.

Mr. Forest stated in response to Mr. Becker's comment that Mrs. Cozza has been an employee of the township for seven years, has a law degree, and that he does not think we are going to have any problems with her being the township manager. Mr. Rowan disagreed.

Mr. Forest stated that he valued the service Mr. Stepnoski has given the township, that for two years now he voted for him to be township manager and that this was a personnel issue and he respects Mr. Stepnoski's privacy.

George Michel of Pineville stated that he thinks a great mistake is being made, with a great loss to our township. He wished Mr. Stepnoski the best, and said he was the best township manager in Pennsylvania. He also stated that he thought the three consecutive court hearings that happened in the summertime may be the impetus for what may be happening here, and that he forgave anybody that made mistakes that they may be sorry for. He wished Mr. Stepnoski good luck.

Bill Yerkes stated he has lived in the township his entire life of 78 years, and had the good fortune about 25 years ago to represent this township. He requested the audience to be mannerly and polite and to show respect. He stated he owes his allegiance to the present board and looks forward to continued good decisions being made by them.

Alan Weiss asked if the board was engineering Jeffrey Haberkern for the township manager position? Mr. Forest responded no.

Tom Baldwin of Wycombe stated he was dismayed and disappointed at the manner in which this decision was made, without board discussion or warning about this meeting.

Ginger Hardwick asked that Mr. Stepnoski stay on due to the contentious issues at hand.

Lori Rosolowsky stated that regarding the element of surprise, she found out about this around 4:00 or 5:00. Mr. Forest asked how she found out. Mr. Rowan stated he told her.

Lori Rosolowsky asked if this must be decided on tonight. Mr. Forest replied yes.

Mr. Rowan stated they do not have to appoint a township manager yearly. Solicitor Smith explained that legally Mr. Stepnoski could continue in office until such time as the Board

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Board of Supervisors Minutes of Reorganization Meeting – January 7, 2008 Page 5 of 13

takes public action to reappoint him or someone else; that it takes public action at a public meeting.

Lori Rosolowsky asked if the board could decide that given the public interest in both sides of the issue, and that all members of the board discussed it as a board, if they were not able to table the issue. Solicitor Smith replied the board may do whatever the majority of the board wants to.

Lori Rosolowsky then requested that the Board reconsider voting on this issue tonight, out of respect to everyone in this room that was there possibly for support for or against the motion. She then asked Mrs. Rash for her motive in her principles on this matter.

Skip Salvesen, Board of Auditors, Buckingham Township, commended the actions by Supervisor Forest and Supervisor Rash, and stated he thought they were doing the right thing. He then shared a concern with the township offices having been closed on Election Day without notice.

Mrs. Rash requested the public voice their opinion, but not get into specifics. She explained this decision was made on her own, and the board will need to vote on it.

Skip Salvesen asked if Mr. Rowan supported the actions of Mr. Stepnoski as township manager. Mr. Rowan replied that he absolutely supported every single one, and that Mr. Stepnoski is the best manager this township, county and region have ever seen.

Paul Leventhal requested an answer from Mrs. Rash and Mr. Forest. Mrs. Rash replied that she thought the job and management style needed to be changed. Mr. Forest said he respected Mr. Stepnoski's privacy.

Paul Leventhal asked Solicitor Smith about the legality issues and potential cost in fees and lost wages, and he felt that should be considered in the decision making process. Solicitor Smith explained Pennsylvania is an at-will employment state. He said that a part of the motion was that the township negotiates a severance fee and that there will be costs associated with that.

Paul Leventhal asked Mr. Stepnoski if he had any freedom to speak tonight, because the township deserves to know the story. He stated he supported Mr. Stepnoski and some of the supervisors. Mr. Stepnoski replied that the township manager position is at the will of the board, and the issue has not been voted on yet.

Mr. Rowan stated when the budget was passed it went down and the township has maintained that direction. He stated the township has a good staff and he likes the direction we are going. He said he wanted to know what the new direction was.

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Board of Supervisors Minutes of Reorganization Meeting – January 7, 2008 Page 6 of 13

Ginger Hardwick said she was dismayed at the decision and the process. She requested of Mrs. Rash what the new direction is to be, what the basis is for her opinion, and for an explanation for this major change.

Ronda Stowe stated she was angry and that she wanted an explanation of what was happening, that she had a right as a tax-paying citizen to know. Mrs. Rash replied that this is a personnel issue, that Ms. Stowe was entitled to her opinion, and that each board member must make their own decision.

William Kates of New Hope Road stated he has been a resident of the township for 31 years, and his family longer than that. He stated in his opinion Mr. Stepnoski has been an asset to the township and he was appalled by the actions tonight. He also believed Mr. Rowan is an asset to the Township, and was upset that Mrs. Rash and Mr. Forest made a decision without discussing this with Mr. Rowan.

Gloria Corrigan asked what the change of direction is. Mrs. Rash replied she did not want to get into a controversial issue.

Mr. Rowan stated that Mrs. Rash was not talking about personnel issues, but changing the direction of the township, and that he thought the audience should demand an answer.

Mrs. Rash replied, stating there was tension with the staff, that work was suffering, that is was hard to get information out of the township, and that there were elements in the township that had found it difficult to get things accomplished. Mr. Forest said specifically homeowners and farm owners.

Lori Rosolowsky asked if there were comments in the ex-employees files about these problems. Mrs. Rash replied she did not know. Mr. Rowan said there had better be, and warned the township was looking at a lawsuit.

Greg Dubas of Forest Grove congratulated Mrs. Rash on her position as Chairperson, He commended her motion and agreed the township needs a new direction or change.

Paul Calderaio of Buckingham Township also supported the motion, and questioned where all the people in the room were a few years ago when former manager Max Weisman was not being re-appointed. Mrs. Rash replied this issue was not about Mr. Weisman.

Paul Martissa of Mechanicsville expressed his concern with process and stated that if it had not been for the advertisement of this meeting, the majority of these faces would not be here tonight; that it smacked of political meandering. He stated that what the community can do is to remember that it can change in two years by a vote.

Janet French praised Mr. Stepnoski and Mr. Rowan for their accomplishments, specifically for their work on the 202 expressway, but also stated that as a previous

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Board of Supervisors Minutes of Reorganization Meeting – January 7, 2008 Page 7 of 13

supervisor she had, at times, felt marginalized on a number of occasions, and that her contribution sometimes got lost in the shuffle. She also stated that personnel should not be discussed in public.

Robert Jeter said he has been in Buckingham for thirteen years, and said that he thought that Mr. Stepnoski had done a marvelous job, and that the Board of Supervisors, in looking at changing direction, may want to take another good look.

Ginnie Preston said she was disturbed to hear the news, and said she had not been given a good reason for this change; that she thought things had been working beautifully for years, and that she did not want to see things change too drastically.

Ginnie Preston then asked Mrs. Rash and Mr. Forest what the reason was for Mr. Stepnoski to leave and be replaced by someone else.

Mrs. Rash said she thought we needed to have a different management style at the top. She stated this is only one position changing, not a change in any other way. Mr. Forest stated it is a change in management. Mr. Rowan said there does need to be a change in management, at the top.

Ginnie Preston said she didn't see how anybody could top what Ray, Henry and Janet did in the years they were in charge, and thanked them.

June McWilliams expressed her shock at the determination the Board was reaching.

Beverly Kates questioned the process and urgency of the action being taken.

Ed Gridbow addressed his statement to Mr. Forest, that he is a homeowner in Buckingham Township that Mr. Ron Myers and Mr. Stepnoski helped him with; that he didn't know what other homeowners' had problems, but they did not have one with him.

Paul Leventhal asked Mr. Smith what this going to cost the township, and what level of responsibility did Supervisor Forest and Supervisor Rash have towards the cost that may be incurred. Solicitor Smith responded that Pennsylvania is an at-will employment state, which means as long as you don't violate any federal guidelines in terms of age discrimination, sex discrimination, religion, national origin, etc., you can fire someone for any reason without notice, without rationalizing. He stated that part of the Chairman's motion was to hire separate labor counsel and see if a severance package could be worked out, but could not speculate on any of the arrangements.

Paul Leventhal asked what the rush was. Mrs. Rash responded it was a reorganization meeting and we are starting the year fresh. Mr. Leventhal asked if this was motivating Henry, also. Mrs. Rash said Mr. Rowan has the ability to make his vote.

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Board of Supervisors Minutes of Reorganization Meeting – January 7, 2008 Page 8 of 13

Arline Soffian stated she has been a resident of the township for over 30 years, that we have a unified board and management, and that this change is quite dramatic without giving reasons. She asked Mr. Forest if in the two years had there been any discussions with Mr. Stepnoski that you didn't like the way he was handling his job. Solicitor Smith advised the board not to discuss personnel issues.

Arline Soffian said as a taxpayer she needs to know why we are going in this direction. She asked Mr. Forest again if he had spoken with Mr. Stepnoski, and/or had any discussion with the Board about the ability of him and his job. Mr. Forest replied yes.

Mr. Rowan stated this board has not had any personnel discussions with Mr. Stepnoski. Mrs. Rash replied that was not true. Arline Soffian asked Mrs. Rash what she said, and she replied they have discussed issues.

Mark Weinberg stated there should some formal discussion, a procedure when firing somebody.

Kevin Corrigan thanked Mr. Yerkes for his remarks about civility. He said he has trusted Mr. Stepnoski and Mr. Rowan, and that he has been a friend with Mrs. Rash, and that he felt things were done above board previously, but not now.

Ed Deschamps stated that everyone in the room ought to realize the three people up front were elected by whole township.

Cathy Pinchek stated she has lived in Buckingham for over 20 years, and is very sad about what is happening tonight, and that Ray has done a great job for this township.

Don Chalkey proposed it might be time for a five-member council, so that one person doesn't bear the burden of blame or credit.

Harry Veni wished Mr. Stepnoski well, and said that he supports Mrs. Rash.

Mrs. Rash thanked everybody who had a public comment.

Mr. Rowan stated there were differences of issues and differences of opinion, but that both he and Mr. Stepnoski had no idea this was coming. He stated that since Mr. Stepnoski will no longer be an employee, the money to pay counsel to negotiate would come out of the budget. He said the board had not discussed the issues, and that he was appalled at the behavior of Mrs. Rash and Mr. Forest. He stated Mr. Stepnoski was not given the opportunity to have the tools needed to work within and make changes, and that he had not been given the support that he needed. Mr. Rowan demanded to know what the new direction is.

Former commissioner Petrilla hired as Butler Twp. manager - News - Citizens Voice

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Former commissioner Petrilla hired as Butler Twp. manager

Butler Township.

Published: January 30, 2012

After a stint leading Luzeme County government, Maryanne Petrilla is back in

Butler's supervisors voted 2-0 today to hire Petrilla as township manager, a position she held for 11 years before winning election as Luzerne County controller in 2005. She ran for and won election as county commissioner in 2007, but a switch to home rule government and an 11-member county council this year left Petrilla without a job.

Supervisors Charlie Altmiller and Brian Kisenwether voted to appoint Petrilla, who will begin work Feb. 6. Supervisor Ransom Young abstained because he donated to Petrilla's previous political campaigns, though Young said he supports her as manager.

The board of supervisors, which gained a new political majority when Alimiller came on board at the start of the year, fired township manager Steve Hahn earlier this month. Hahn at the time said political favoritism was at play. Try our E-Edition for FREE!





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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERI L. DIESINGER,

CIVIL ACTION

Plaintiff

NO. 09-1237

WEST PIKELAND TWP.,

Defendant

MEMORANDUM

STENGEL, J.

September 2, 2009

Jeri Diesinger, a former employee of West Pikeland Township, claims she was wrongfully terminated in retaliation for certain public statements she made regarding the township's financial situation. West Pikeland has moved to dismiss. The issues are whether Ms. Diesinger's statements are protected under the First Amendment of the United States Constitution and whether the Pennsylvania Constitution creates a private cause of action for alleged violations of the right to free expression. I will grant the motion and dismiss the complaint.

I. Background

Jeri Diesinger was employed by West Pikeland Township from on or about March 5, 2007 to on or about October 31, 2008. (Compl. ¶ 7.) She held the position of Township Manager. (Id. ¶ 8.) Her job performance was excellent, and she fulfilled all of her employment duties and obligations. (Id.)

In June 2007, a local youth association sent a letter to the township requesting a

W. PICELAND TWO

of Supervisors resolved to build a new soccer field. (Id. ¶ 10.) As Township Manager,

Diesinger's duties included overseeing the township's finances and ensuring the decision to build was implemented. (Id. ¶ 11.)

In January 2008, three new board members were elected to the Board of
Supervisors. (Id. ¶ 12.) These new members halted the building of the soccer field

hartest because they wanted to look into the project and get more information from the youth

association. (Id. ¶ 13.)

Ms. Diesinger alleges she was fired for certain statements she made during public meetings of the Board of Supervisors. The first occurred on or about July 21, 2008.

Three members of the township's Finance Review Committee stated (falsely, according to Plaintiff) to the Board that the township lacked sufficient funds to build the requested soccer field. (Id. ¶ 14.) Ms. Diesigner corrected the misstatement and informed the Board that there were sufficient funds to proceed with construction.

The second incident occurred at another public meeting of the Board of

Supervisors held on or about August 18, 2008. Certain Finance Review Committee

members had again falsely represented the township's ability to build the soccer field.

(Id. ¶ 16.) Ms. Diesinger responded by characterizing the Finance Review Committee's

assessment as inaccurate, and she "stated her intention to provide the [township] with an accurate financial report in order to demonstrate that the [township] indeed had sufficient

a. P. 105 LIGHT TWP

funds in the budget to build the requested field." (Id. ¶ 17.)

On or about August 27, 2008, Ms. Diesinger met with members of the Finance Review Committee and a member of the Board to discuss the township's financial situation and to show that sufficient funds existed. (Id. ¶ 18.) On October 31, 2008, Diesinger was "abruptly" terminated from her position. (Id. ¶ 19.) She was told the Board decided to make a change because they "had some complaints from some of the committees." (Id.)

On March 20, 2009, Ms. Diesinger filed her complaint against West Pikeland. It contains two counts, which are claims for violations of her right to free speech as protected by the United States and Pennsylvania Constitutions. West Pikeland moved to dismiss on the grounds that Diesinger's speech was not protected by the First Amendment and the Pennsylvania Constitution does not provide a private cause of action. (See Mem. to Dismiss (Document #7) at 4–6.) West Pikeland also moves to dismiss any request for punitive damages. (See id. at 6.)

II. Standard of review

A motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted examines the legal sufficiency of the complaint. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). The factual allegations must be sufficient to make the claim for relief more than just speculative. Bell Atlantic

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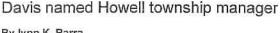
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By lynn K. Barra Staff Writer

By lynn K. Barra Staff Writer

HOWELL - He did the job so well, it's now his permanently.

At the Sept. 9 meeting of the Township Council, officials voted 4-1 and took the "interim" out of Bruce Davis' title, appointing him township manager. Councilwoman Cynthia Schomaker voted

August marked one year that Davis had served as interim manager. He received that appointment after the council fired the former manager, Jacqueline Ascione. Davis has been Howell's municipal clerk for almost 24 years.

Davis is the seventh person to fill the position of manager since Howell switched to a strong manager form of government in 1994.

Since that time Howell had, in the words of Councilman Fritz Kirchhof, "gotten a reputation for revolving doors when it came to managers."

Mayor Timothy J. Konopka told Greater Media Newspapers, "You know, sometimes you have a treasure right there in front of you, and you don't even know it."

Speaking a few weeks before Davis' permanent appointment, Konopka characterized Davis as an "articulate, intelligent and effective manager."

Of his performance of the duties of manager, the mayor said the past year had been a "test" and that Davis "passed it with flying colors."

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Said Konopka after the Sept. 9 vote: "His (Davis') appointment was well-deserved. He's the right man for the job. We have the utmost confidence, respect and admiration for the man."

Konopka said that along with Davis' talents for managing the town and its employees, the new manager had innovative ideas.

Konopka said when the council turned its attention to expanding township recreation, Davis was the person who had come up with the idea for Howell's walking trails and three regional kiddie parks.

This is what he brings to the table. You see, we can come up with all these wonderful ideas and pieces of legislation but you need competent people to execute the direction and will of the mayor and governing body," the mayor said.







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Ex-city administrator fired from municipal job · Published: April 19, 2012

BY SAM GALSKI (STAFF WRITER)

ARTICLE TOOLS

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Silver Spring Township officials led to his termination from a township manager post earlier this month.

development director in Hazleton from the early 1980s through 2009, was fired as Silver Spring Township manager on April 11, The Harrisburg Patriot-News reported.

The township supervisors terminated Monticello by a 3-2 vote at the conclusion of a recent meeting. He was hired as township manager last July and was the second manager dismissed in the past two years.

A township supervisor reportedly accused Monticello of insubordination after

Monticello said Wednesday that the developments were a result of "nothing more than a difference of opinion expressed by myself with one or two

"It kind of took a life of its own and resulted in the termination, which came

Monticello resigned as city administrator and director of economic development in Hazleton in August 2009 to pursue job opportunities in California before returning to Pennsylvania,

He served as city administrator from 1981 through 1995 and from 2000 until

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In the five years between, he handled West Hazleton's finances.

sgalski@standardspeaker.com

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A former Hazleton City administrator said a "difference of opinion" with

Sam Monticello, who served as city administrator and community

he was asked to justify an expense on a list of bills. Monticello told The Patriot-News that he retrieved information from a vendor about a bill questioned by one of the supervisors but that a supervisor had asked for even more information. Monticello reportedly disagreed, saying he provided voluminous" information regarding the expense.

upon very swiftly and in a clandestine manner," he said.

his resignation.

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Silver Spring Township's fired manager says he's confused by decision | PennLive.com

At the township's March 28 supervisor's meeting, officials questioned whether the bill for the services was justified and required that Dawood produce documentation that better explained the

Spade said he needed more information before he'd vote to pay the bill.

The township has yet to pay the bill, officials said.

"That invoice has not been paid," Spade said Thursday, "because there are certain questions that have not been answered."

Monticello contends he did all he could, and more.

"I gave them more than enough information to justify that expenditure," Monticello said, adding that Spade claimed he was insubordinate for not producing a comprehensive result. "If there's a problem, I think he should pursue the questions themselves. There's nothing wrong with that ... involce."

Bony Dawood, the company's president, said he supplied Silver Spring Twp. with everything they needed. "We've been working with them for eight years and this is the first time we've had a " Dawood said. But Spade was unsatisfied, Monticello said, adding the supervisor called him "insubordinate."

In an email, Monticello said he disagreed with Spade's decision not to approve the invoice and that not paying the bill would disparage Dawood's reputation.

About three weeks later, Monticello, an at-will employee, was fired.

Spade would not comment Thursday on the specifics of Monticello's firing, as it is a personnel

And Vincent DiFilippo, who cast the third vote to dismiss Monticello, would not comment, either.

"I think it was personal," Monticello said. "It seems like someone had an ax to grind,"

As far as he can tell, Monticello said Silver Spring Twp. supervisors fired him because he offered an opinion of how leadership managed municipal business.

When the board hired him in July 2010, Monticello said, officials told him that's what they wanted — his opinion — because his expertise was valued.

The 56-year-old Monticello, a former 27-year Hazleton administrator, found the national spotlight when the city under then-Mayor Lou Barletta took contentious measures to prosecute and deport illegal immigrants. Monticello testified to support the law in court but said he did so in his administrator role, not as the author of the law.

He has yet to receive a reason for his firing...

Monticello said he wouldn't be surprised if officials fired him for an unfounded conflict of interest. His wife has been employed by Dawood for years.

"Knowing the personalities involved, I would not say that they did it spitefully, but I would not put it past them," Monticello said.

That doesn't seem to be the case.

Dawood confirmed that the company has an in-house rule that keeps Monticello's wife out of any dealings with Silver Spring Twp. And Spade, who made the motion at the April 11 meeting to dismiss the township manager, said he had no idea Monticello's wife worked for Dawood.

"This is the first I've ever heard of that," he said. "That was never something that Sam Monticello shared with me."

Theresa Eberly, whom Monticello hired as township treasurer, has been named acting township manager. Her stint is scheduled to last until May 23, she said.

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Silver Spring Township's fired manager says he's confused by decision | PennLive.com

SILVER SPENNES I

Officials could not confirm when they plan to begin interviewing for a new manager,

Monticello's firing has left a dent in some residents' faith in municipal government.

John Diener, a township resident who witnessed Monticello's firing April 11, said the board was insubordinate for pitting officials against each other. "With that vote, they fractured the board," Diener said.

The vote to fire Monticello followed an angry statement made by Supervisor Chairman Mary Lou McLain.

Diener said McLain opposed the firing, saying it was unwarranted and wrong.

McLain and Supervisor Dave Lenker opposed Monticello's firing. Supervisors Spade, DiFilippo and Nancy Griffie voted to fire Monticello. All supervisors refused to discuss the firing when contacted Thursday.

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Scpalegal April 22, 2012 at 8:10PM

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Ladies and Gentleman, please welcome Silver Spring Township to the latest round of local government circus acts. They join the elite crowd of Harrisburg City and Dickinson Township. Please hold your applause while the taxpayers figure out how much the legal fees will costs this time around.

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goodoleboyz April 22, 2012 at 10:43PM

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Why don't you put your big boy pants on and sit down and have a discussion with the man of how you woule like business done rather then hiding behind your roberts rules of order and parlimentary procedures. Stupid to lose good people because of frail egoed politicians with low self confidence.

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Whatthedil April 22, 2012 at 10:50PM

#Fallow

Silver Spring Township's fired manager says he's confused by decision | PennLive.com JEVED CARENDS THE Nate Spade sounds like a real coward... Post new Reply Inappropriate? Alart us. 70tinas7 April 23, 2012 at 5:49AM everything is political...I mean EVERYTHING Inappropriate? Alert us. Icempaul April 23, 2012 at 7:56AM

Two township managers fired in two years....and all of it hidden away under the cowardly device of "personnel issues". How convenient. This is BS. There may be a rule somewhere that allows this, but the commissioners have now cost SS Township two otherwise apparently competent managers, loss of momentum in running the place, and considerable cost, and exposed the Township to wrongful discharge actions, ill will and now a loss of confidence in the elected body of commissioners - WITHOUT ADEQUATE EXPLANATION. Makes one ask how actually competent these commissioners really are when all this sounds like some sort of high school clique childish spat. What the h...Is wrong with you people?

Inappropriate? Alert us.

bizt1 April 23, 2012 at 10:22AM 7 t

The mgr had a conflict of interest (wife) he should have reported to the twp. but hid the fact instead. So he should be fired. There is definitely the appearance his wife could be receiving favorable treatment from her employer, Dawood. She doesn't have to be involved with twp matters to receive favors. This has nothing to do with whether the involce is valid or not. The PN writer, Mr Komenda, missed the whole point. Good job supervisors! It was a tough call, he needed to be fired, and you did it.

Reply

Inappropriate? Alert us.

Grandpa April 23, 2012 at 11:36AM A.Fallow

I recommend Linda Thompson to replace Spade.

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Sam Monticello, former administrator of the city of Hazleton, believes he was unfairly fired from his current municipal government job for stating his opinion.

The Patriot News reported on Wednesday that Silver Spring Township supervisors on April 11 voted 3-2 to terminate Monticello from his township manager post without warning at the end of a regular meeting.

In a phone interview on Wednesday, Monticello said Supervisor Chairwoman Mary Lou McLain came to his office the morning of the meeting and closed the door.

"She gives me a hug and she's sobbing. She said, 'These people are vicious, they want to terminate your position tonight ... because of the email you sent,' " Monticello said he was told.

At a March supervisors meeting, Monticello said, Supervisor Nate Spade asked for "sufficient information and detail" supporting a \$4,000 invoice before he would vote to pay it. Monticello said he contacted the vendor and was provided "a voluminous narrative" with details attached.

"I found it more than adequate to support this invoice," he said. He ran it by the assistant manager, and she found nothing lacking, so he emailed the information to the supervisors.

Spade was still unsatisfied and would not approve payment without more information, but he was not specific, Monticello said.

"I responded, 'With all due respect, I have to disagree with your decision not to approve the invoice,' Monticello said. "I said, 'For you to further delay paying the invoice, I think we would be doing nothing other than disparaging this businessman's reputation.' "

He said he got a "scathing response" from Spade that he was being discourteous, disrespectful and insubordinate. A meeting with Spade at which Monticello said he apologized if Spade perceived his response as disrespectful was unproductive.

He said he's reviewing his employment agreement.

"Even though I'm considered an at-will employee, it shouldn't permit a wrongful termination like this," Monticello said.

He said McLain stated at the meeting the termination was "a disgrace" and she adamantly opposed it.

Spade did not return a request for comment. McLain called the situation "a personnel issue and we're just not talking about it."

Monticello said his recent firing was reminiscent of when former Hazleton Mayor Mike Marsicano fired him after assuring him that his job as city administrator was secure.

SILVER SPRINGS 1

Monticello previously served as city administrator under former Mayor John Quigley until 1995. He said Marsicano assured him after winning the 1995 election that he would keep his job, but soon after fired him.

Monticello went to work as West Hazleton borough manager for four years until U.S. Rep. Lou Barletta hired him back as city administrator when Barletta began his three-term tenure as city mayor in January 2000. Monticello resigned in September 2008 to pursue better employment.

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Newtown Township manager resigns position to accept job closer to home in Montgomer...

Bucks Local News (buckslocalnews.com)

The Advance > News

Newtown Township manager resigns position to accept job closer to home in Montgomery County

1 = DTOWN - WS

Tuesday, February 7, 2012

By Petra Chesner Schlatter BucksLocalNews.com

NEWTOWN TOWNSNIP — After 4 ½ years at the administrative helm, township manager Joe Czajkowski is taking his leave for another job closer to home in Montgomery County.

His new job will be as township manager in Lower Salford Township which surrounds Harleysville in Montgomery County.

Czajkowski, 47, said the change will allow him to spend more time with his family. "My kids are getting older. They're involved in sports and all kinds of activities."

His wife, Jennifer, is a homemaker who previously taught third-, fourth- and fifth-grade. Their children are: McKenzie, 8; Jack, 6; and Camryn, 3 1/2.

Czajkowski submitted his formal resignation on Friday. His last day of work will be April 1,

Prior to coming to Newtown Township, he worked as township manager in Upper Makefield for three years.

NOTE!!

Under his watch, the township moved forward with Veterans Park, the Promenade, the Stoopville Road traffic calming project, improvements to the municipal complex and preparation of the annual budgets.

"I generally feel good about them," he said, noting that anytime you get something accomplished in politics, it's a good feeling.

He said, however, that he would not take any "undo credit for all of them" because a lot of people were involved.

Czajkowski emphasized that in Newtown Township, public input is important in the process.

Working as manager in Newtown Township, he said, was great because it provided a lot of experiences and challenges. "Anytime you can deal with challenges, it makes you stronger as a candidate or manager where ever you are in your career," he said. "It makes you a better person in general."

Czajkowski earned his Bachelor of Arts degree in journalism and political science from Keene State College in New Hampshire. His Master of public administration was earned at New Hampshire University.

"It's been a pleasure working here," Czajkowski said.

Newtown Township manager resigns position to accept job closer to home in Montgomer...

NEW TOWN TWF

Describing Czajkowski as a "vital asset to the board," Supervisor Rob Ciervo said Czajkowski will be "hard to replace.

"He's done a good job for the township," said Ciervo. "He was always looking out for the township as a whole and residents."

He said Czajkowski "was able to assist the board with setting of the agenda for our meetings and fielding residents' questions and issues, and channel them to the right decision makers.

"We're going to have to move quickly to find another manager," he said.

URL: http://www.buckslocalnews.com/articles/2012/02/07/the_advance/news/doc4f3059d3b8aab772707675,prt

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NEWTOW TWP



Friday, May 4



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The Newtown Township supervisors ended up going west to find their new township manager.

Kurt Ferguson, township manager in Hempfield near Pittsburgh, was appointed Newtown Township's new top administrator at Wednesday night's meeting, H will start at least by July 2 or possibly a little before that after fulfilling his required 60-day notice in Hempfield.

Ferguson's starting annual salary will be \$117,500, a little less making when he left April 1 to take the manager's 105 in Lowe been Newtown Township manager since 2007.

ZAJKOWSKI

Until Ferguson can start, police Chief Rick Pasqualini will serve as interim manager.

The supervisors sifted through 37 applications and interviewed five finalists before settling on Ferguson.

His appointment was approved unanimously Wednesday night by supervisors Mike Gallagher, Rob

Ciervo, Phil Calabro, Ryan Gallagher and Matthew Benchener.

ATTE CHOT.

"We did an extensive background search and it was shocking how many good references came back on Kurt," said Mike Gallagher.

"We're all very excited about Kurt joining us and believe he will be a great asset to the township," adder

Benchener.

According to the employment agreement previously signed by Ferguson and approved by the supervisors Wednesday night, he will get annual pay increases of at least 2 percent and more if the supervisors deem his performance worthy of a higher increase.

Ferguson will get three months' severance pay if he's fired after six months and six months' severance pay if he's fired after a year. There will be no severance if he resigns or is fired for certain reasons spelled out in the agreement, such as conviction of or plea to a felony, any act of dishonesty or moral turpitude, or any violation of the township's code of conduct.

The employment agreement has no set term and will remain in effect as long as Ferguson is employed by the township unless changed by mutual consent

Ferguson's resume was unavailable Wednesday night, but Mike Gallagher said he's been township manager in Hempfield the last four or five years and before that was the economic development officer in Mt. Lebanon, western Pennsylvania.

9-5 MRS TERIURL

Chris English; ; e-mail: cenglish@phillyBurbs.com; Twitter: Twitter.com/courierc

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Western Pennsylvania man named new township manager - www.phillyburbs.com: Couri...

Western Pennsylvania man named new township manager

By Chris English Staff Writer | Posted: Thursday, April 26, 2012 12:00 am

The Newtown Township supervisors ended up going west to find their new township manager.

Kurt Ferguson, township manager in Hempfield near Pittsburgh, was appointed Newtown Township's new top administrator at Wednesday night's meeting. He will start at least by July 2 or possibly a little before that after fulfilling his required 60-day notice in Hempfield.

Ferguson's starting annual salary will be \$117,500, a little less than the \$123,528 Joe Czajkowski was making when he left April 1 to take the manager's job in Lower Salford, Montgomery County. He had been Newtown Township manager since 2007.

Until Ferguson can start, police Chief Rick Pasqualini will serve as interim manager.

The supervisors sifted through 37 applications and interviewed five finalists before settling on Ferguson. His 37 appointment was approved unanimously Wednesday night by supervisors Mike Gallagher, Rob Ciervo, Phil APPLICATION Calabro, Ryan Gallagher and Matthew Benchener.

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"We're all very excited about Kurt joining us and believe he will be a great asset to the township," added Benchener.

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The employment agreement has no set term and will remain in effect as long as Ferguson is employed by the township unless changed by mutual consent of him and the supervisors.

Ferguson's resume was unavailable Wednesday night, but Mike Gallagher said he's been township manager in Hempfield the last four or five years and before that was the economic development officer in Mt. Lebanon, western Pennsylvania. Exhibit 6

FREQUENCY OF MEETINGS

TOP 25 TOWNSHIPS BY POPULATION

FREQUENCY OF MEETINGS - TOP 25 TOWNSHIPS BY POPULATION

TOWNSHIP	MEETINGS PER MONTH		
Upper Darby	2		
Upper Darby			
Bensalem	2		7:30p
Lower Merion	1		
Abington	1		
Bristol	2		
Millcreek	4		
Haverford	1		
Middletown	2		
Lower Paxton	2	1 Voting 1 Agenda	7:30p
Penn Hills	3		
Hempfield	1		
Northampton	1		
Manheim	2		6:30p
Cheltenham	1		7:30p
Mt. Lebanon	2		
Warminster	2		7:00p
Lower Makefield	2		7:30p
Ross	2	1Voting 1 Agenda	7:30p
Radnor	2		
North Huntingdon	2	1 Voting 1 Spec.	

Ridley	2	1 Voting 1 Agen	da 7:00p
Shaler	1		
Tredyffrin	2		7:30p
Upper Merion	3		
Cranberry	2	1 Voting 1 Agen	nda 6:30p
No. Townships with	1 me	eting 7 etings 16	
		etings 1	
		etings 1	(Millcreek)

12/21/11

Twenty three of the top 25 townships, by population, have only 2 public voting meetings per month. Millcreek has 4. Millcreek Supervisors devote twice as much time to township public work in a month than the other 23 townships. One township has 3 meetings per month. Five of the townships having 2 meetings per month devote the time of one meeting to study of agenda items prior to voting on the agenda at voting meeting.

The opportunity for public communication and input is double also, since the public is asked to comment at each meeting.

5/4/12

Exhibit 7

MEDIAN HOUSEHOLD INCOME

TOP 25 TOWNSHIPS BY POPULATION

MEDIAN HOUSEHOLD INCOME TOP 25 TOWNSHIPS BY POPULATION

Township	2000 Census Wikipedia	2008 Estimate City Data.com
Lower Makefield	\$98,090	\$112,672
Lower Merion	86,373	109,216
Northampton	82,655	104,515
Tredyffrin	82,258	99,728
Middletown	63,964	96,438
Radnor	86,812	90,713
Cranberry	66,588	84,198
Haverford	65,714	83,093
Upper Merion	65,636	82,995
Cheltenham	61,713	78,034
Mt. Lebanon	60,783	76,858
Abington	77,363	75,768
Manheim	55,807	70,566
Warminster	54,375	68,755
Ross	46,542	63,904
Bensalem	49,737	62,891
Lower Paxton	49,566	62,764
Bristol	48,090	60,808
Shaler	49,188	59,273
Ridley	45,918	58,062
North Huntingdon	45,376	57,336
Millcreek	45,019	56,925

Hempfield	42,288	53,472
Upper Darby	41,489	52,461
Penn Hills	39,960	50,528

Data from City-Data.com

7/16/12

Exhibit 8

BRISTOL TOWNSHIP

GOVERNMENT STUDY COMMISSION

FINAL REPORT (excerpt)

August 4, 2009

Summary of Commission's Findings and Recommendation for a Change of Government Format to the Council-Manager Plan

After careful deliberation, the Bristol Township Government Study Commission has concluded that a change in government plan is appropriate and beneficial for the citizens of Bristol Township. Currently, Bristol Township is governed under the provisions of Optional Plan C, known as the "Mayor-Council Plan C", adopted by the Township in 1986. The Commission believes that this form of government does not allow for proper accountability of its elected officials, fosters an atmosphere of unprofessionalism, and is inefficient.

The current form of government creates and sustains political tension and inhibits the Managing Director from being able to fully perform his/her duties. Under Optional Plan C in Bristol Township, the Managing Director may be terminated by the Mayor without the support of the Bristol Township Council, thereby taking away the Managing Director's independence from the Mayor and placing the Managing Director in a constant political situation for fear of losing his employment. The "Council-Manager" plan will allow the hiring and firing of the Managing Director only by the elected Council.

Under the Home Rule Charter and Optional Plans Law, the Commission recommends the adoption of the "Council-Manager Plan". Under this optional plan, the office of Mayor is hereby abolished and, instead, replaced with one of the council members being appointed as the President of the Council by a majority of its other members.

Further, under the new government plan, the number of council members will be increased from the current five (5) members to seven (7) members. The new seven (7) member Council shall continue to be elected on an at-large basis by the voters of Bristol Township.

The text of the relevant provisions of the Home Rule Charter and Optional Plans Law for the "Council-Manager" Plan D is set forth in Appendix "B".

Whether to have the new Council elected at large or by districts was a hotly contested debate among the Commission members. Ultimately, a majority of the Commission prevailed on their position that creating districts would be a step backwards to the era where the Township was divided into wards and each commission member was, in essence, king of their own little part of kingdom within the Township; each vying for their own constituents, rather than for the entire Township. Establishing councilmatic districts would hinder the Council's ability to do what is best for the Township as a whole.

During its investigation, this Commission heard time and again that one of the goals for any government should be to promote increased representation for all of Bristol Township's citizens. We believe that increasing the number of council members will allow for representatives from more diverse areas within the township to run for and, ultimately, be elected to Council. Having more council members will also allow greater accessibility for our citizens to their elected officials.

The Commission believes and, therefore, recommends that the Managing Director be the keystone of the new government. In order to promote efficiency and greater accountability, the duties of the Managing Director are enhanced under the new optional plan. As such, we believe that Council must allow for a strong, independent and motivated Managing Director, permitting that person to oversee the daily functions of the Township's governance without undue interference from the Council.

Additionally, to further assist in creating greater governmental efficiency, this

Commission is recommending that the Office of Treasurer and Tax Collector be abolished.

Other departments under the current government should be consolidated as well. The

departments of Licenses and Inspection, Public Works, Recreation, the Fire Marshal and

Exhibit 9

MANAGER TURNOVER:

City Managers Under Fire:

How Conflict Leads to Turnover

Turnover Among City Managers:

The Role of Political and Economic Change

City Managers Under Fire: How Conflict Leads to Turnover

By: Gordon P. Whitaker and Ruth Hoogland DeHoog

Whitaker, Gordon P. and Ruth Hoogland DeHoog. "City Managers Under Fire: How Conflict Leads to Turnover," Public Administration Review 51 (March/April, 1991): 156-165.

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Abstract:

To evaluate the influence of turnover among city management professionals, data were gathered and analyzed in a study that followed the careers of 133 city managers in Florida since 1986. In contrast to previous studies, conflict was found to be a frequent cause of turnover among those city managers who left their positions during the study period. The type of conflict involved made a difference. Situations involving policy or style disagreements between a manager and the city council were more likely to cause turnover than conflictual conditions emerging from disagreement among council factions. However, other factors, such as electoral changes in council composition and opposition by a popularly elected mayor, were found meaningful. More concern for conflict and conflict-management skills among city management professionals and educators may help solve areas of conflict.

Abstract:

The council-manager form of local government is supposed to reduce conflict in city governance and increase cooperation between the executive and the legislature. Because the city council is responsible for hiring and firing the city manager, as James Svara puts it, "there is no question about who has ultimate authority, and thus there are few battles to protect prerogatives" (1990, p. 54). The council's clear authority over the executive they appoint also frees council members from the pressure to compete with an elected executive for public support. Chester Newland sums it up this way: "The great strength of council-manager government has been precisely in the combined presence of those two qualities: a powerful council, oriented to community brokerage, and a coordinated executive framework, characterized by diverse expertise and professionalism and free of narrow factionalism" (1985, p. 8).

Nevertheless, conflict does occur in council-manager cities, and, as we will show, conflict has been a frequent cause of managerial turnover in at least one state's municipalities. These cases of conflict-generated turnover permit us to examine what ""went wrong" with the anticipated relationship between council and manager. More constructive management of conflict depends in part on a fuller understanding of the ways council members and managers generate and deal with conflicts.

Conflict in city governance can be harmful. Council members or managers who pursue selfish, personal objectives may divert city resources or delay city action at the expense of public well being. Even conflict over what constitutes good public policy harms the community if it prevents action on pressing public problems or results in the departure of an effective city manager. Similarly, the firing of competent, public-spirited managers because they refuse to violate laws or professional ethics, or because of petty jealousies, costs the city the effective executive leadership which that manager provided.

Conflict in city governance is not necessarily bad for public policy, of course. Conflict among council members may reflect authentic, diverse policy demands of a heterogeneous citizenry. Conflict between the council and the manager may arise as managers assert their professional values and judgment in the face of council opposition. When conflict leads to vigorous discussion of public problems, thorough exploration of options, and

creation of mutually beneficial solutions, better public policy results. Nor is firing the manager necessarily bad for public policy or urban governance. managers who ignore legitimate council policy directives or who are inept or irresponsible need to be replaced. The elected council has the authority and responsibility to fire the manager, and, in such cases, it needs to exercise its authority.

Council-manager conflict has received relatively little scholarly attention. The collaborative view of council-manager relations presented by theorists of the manager plan has been buttressed by reports that most managers leave office not because they are "under fire," but for professional advancement. For example, Roy Green reports that "all but approximately 15%" of the managerial changes reported by International City Management Association members in 1984 were for "career advancement, . . . salary advancement, . . . desire to manage a larger government," or "desire for a new experience" (1987, p. 9). Similarly, Daniel Barber states that most managers appointed in 1986 who left previous city management positions did so for "personal challenge, . . . normal career advancement . . . monetary considerations," or "family considerations" (1988, p. 697). Although Harmon Zeigler and his colleagues (1985) devote considerable attention to the management of conflict by managers in the early 1980s, they discuss managers' career patterns only in terms of advancement and do not explore the relationship of conflict to turnover.

In contrast, we recently reported that managers in certain high-conflict situations were twice as likely as other managers to leave office (DeHoog and Whitaker, 1990). Moreover, these managers accounted for about half of all turnover among the managers we studied. Our findings parallel those reported by Gladys Kammerer and her colleagues (1962) three decades earlier, which suggested that conflict may be a common reason for managerial turnover.

Two patterns of conflict may lead managers to leave office: conflict among political factions for control of the city council and conflict between the manager and a (more or less) united council. The first pattern involves systemic conflict among members of the council. In this conflict pattern, the council is divided into (typically two) factions. If their struggle for control of city policy making expands to include the manager, it may lead to the manager's departure. In the second pattern, the behavior of the manager (or the council) becomes a major issue. Because the council is the manager's legal superior, unresolved conflict between the council and the manager can readily lead to the manager's departure from office. In this article, we explore how conflicts lead to managerial turnover and examine, in particular, how managers' styles of behavior influence conflict and turnover.

Anthony Downs (1967) identifies basic differences in managers approach to their work which we expect to influence their approach to conflict. Of his two self-interested types, "climbers" are focused on their own career advancement to the exclusion of other goals, and "conservers" are focused on keeping what they have with the least expenditure of effort. Downs describes three other more public-spirited types as well. "Zealots" are strongly committed to achievement of some particular policy. "Advocates" are more pragmatic and take a broader view, typically focusing on the well-being of their agency and its overall mission. "Statesmen" take a very broad view of the public interest and lack focus because of their sense of loyalty to generalized ideas of the public.

Managers' role orientations may help in understanding how and why they leave office. Climbers and zealots may be particularly likely to have conflicts with councils when their narrow interests are opposed by council members. Conservers and statesmen are likely to have friction with councils which are more oriented to change, but may work very well with more complacent councils. Advocates are likely to conflict with councils when their professional judgments differ from council practices.

Advocates should be the type most likely to avoid being drawn into council conflicts. Their active espousal of views based on professional norms can help them maintain a position independent of council factions. This style is described by Svara as the "responsible professional." Svara describes this style as follows:

Despite the temptation to wield power and the risk of being victimized by the council, the manager can maintain the middle ground between subservience and self-serving autonomy and still sustain a positive relationship with the council. The manager's unique role entails providing professional leadership without independent political power resources, on the one hand, or political dependency on all elected officials or the mayor, on the other (1990, p. 175).

The Data for This Study

This study built upon our previous study mentioned above. In that project we followed the careers of 133 city managers who responded to a survey of all 200 managers in Florida in early 1986. of the 133 managers we studied, 33 were no longer in office by May 1988, a turnover rate of about 25 percent for the two-year period. (1) Using the managers' responses to the 1986 survey, we sought to account for those departures. We found that 16 of the 33 managers who left office reported patterns of conflict which apparently placed them at particularly high risk for leaving office (Table 1). Almost half of the managers who reported their communities had unstable politics were no longer in office two years later. This finding was consistent with the hypothesis that managers were more likely to leave communities in which there were marked changes in groups controlling city government. Conflict among contending city council members ("commissioners" in Florida) seemed likely to have forced these managers from office. Also, the departure rate was quite high (71 percent) among those who reported their communities had very stable politics, but who said they lacked full confidence of their councils and disagreed with them on the manager's policy role. In these cases, conflict between the manager and council, rather than conflict within the council, seemed likely to account for managerial turnover. Compared to these "high-risk" situations, turnover rates were considerably lower for other managers.

Our study was inconclusive, of course. It presented no data about the managers' departures themselves. It relied instead on correlations between departures and managers descriptions of their situations before they left office.

To determine why these managers actually did leave office, we interviewed the former managers and elected officials in each of the 33 municipalities where we noted managerial turnover between 1986 and 1988. For each municipality, we attempted to locate and interview both the manager and the mayor who had been in office at the time of the manager's departure (see grey box).

Overall, there was a high level of agreement between managers and mayors in their accounts of managers' departures. In only six of the 29 cases in which we had two informants did the manager and mayor offer different explanations for the manager's departure. In each of these cases, we reviewed both respondents' comments carefully to determine which explanation to accept as the more credible, basing our conclusions about why these managers left office on both entire interviews. (2)

Altogether, 61 percent of the managers in our study were pushed from office: they were fired, pressured to resign to avoid being fired, or fled from an intolerable situation. (These latter managers resigned without pressure, but without any other job to go to. The four who fled were out of work an average of eight months.) Only 18 percent left for advancement, and 21 percent left for retirement or family reasons.

Departed managers who had described their 1986 situations as what we called "high-risk" were more likely than others to have been pushed from office (Table 2). However, more than half of those whose 1986 situations appeared from their descriptions to be "low risk" and who had left office by May 1988 were also pushed from office. Advancement accounted for similar low percentages of departures among both risk groups. Retirement, however, was more frequent among the low-risk group.

How Conflict Leads to Turnover

Managers who left office had generally experienced considerable conflict. Only three of the 33 managers in this study experienced little or no conflict preceding their departure from office. Each of these retired for reasons of

age or health. They and their mayors reported no conflicts in the council or between council and manager. Each of these three managers was a conserver, and each had a council which was satisfied with that style. Managers who experienced conflict were much more likely to be fired, to be forced to resign, or to flee (Table 3).

Conflict does not always lead to turnover, of course. For example, almost half of all managers who described themselves in "high-risk" conflict situations in 1986 were still in office two years later. (See Table 1.) Moreover, conflict was not the major reason for changing jobs for a third of the 30 managers who reported conflict prior to their departure from office. What kinds of conflicts produced turnover?

Conflict Between Council and Manager

Conflict appears to have been the primary reason for the departure of all nine managers in our study who were in conflict with their councils. Council conflict with the manager could include disagreement over policy or the manager's style. Similarly, the manager might take issue with council members' behavior or their policy positions.

Managers' behavior became an issue and led to their departure in five of the cases studied here. One manager, classified as a misfit, was described by the mayor as abrupt and arrogant, as lacking support from department heads, and as procrastinating on assignments. Another misfit manager "managed by crisis," surprising the council by announcing decisions during council meetings and was seen as inflexible. Furthermore, this manager refused to move, preferring to commute a long distance home each weekend. The manager gave the impression that the town was too "blue collar" and too "Haitian" to be a suitable residence. A conserver manager was forced from office because "he attempted to play the role of father figure to commissioners." This manager was described as "unbending" and "patronizing." A charge of sexual harassment from an employee crystallized council dissatisfaction in this case. Two managers classified as advocates also left because of conflict with their councils. One gave as the reason a dislike of the social aspects of the job. The mayor agreed, saying that the manager "did not mix with the community." Another advocate had full council support in taking a "progrowth leadership role." Despite the council's support, this manager tired of the tension with the council over personal style. The manager, feeling like "a bull in china shop" and "not suave enough to suit council," resigned without having located another position.

Four other managers we studied left office because of policy conflicts with the council. One, a climber, resigned when the council refused to enter an employment contract. The other three were fired or forced to resign. In one case, the council favored more growth than the manager thought desirable. In addition to opposing the council's progrowth stance, this zealot manager was too fiscally conservative for the council and opposed hiring black administrators as the council directed. This manager was fired by the council. Another manager was dismissed after insisting on holding public hearings on major zoning variances when the council wanted to avoid public discussion and simply approve the requests. This statesman said it was difficult to get the council to follow state and federal regulations and mandates, while the mayor described the manager's policy relations with council as a "painful experience." In another city, the advocate manager was forced to resign after the council blocked the manager's attempt to stop police solicitation of contributions from condominium owners in the city.

No type of managerial role orientation was particularly associated with conflict between a council and a manager. Rather, this type of conflict appeared to be related to a lack of congruence between the council's and the manager's expectations.

Conflict in the Council

In contrast to conflict between managers and their councils, conflict among council members did not necessarily force managers out of office. Conflict in the council led to involuntary managerial turnover only when the manager became identified with one faction and that faction lost control of the council. The majority faction sither fired the manager or pressured him to resign under threat of firing.

Nine of the managers we studied left office because they lost support of the council majority. In six of these cases, an election changed the balance on the council, bringing a faction opposed to the manager into control. Popularly elected mayors played a key role in five of these new majorities and led the opposition to the manager. In the sixth case, the election shifted the council from conservative to "radically liberal," according t the manager. The popularly elected conservative mayor retained office, but was unable to prevent the new majority from removing the manager, who had been closely identified with their conservative predecessors. Most of these managers appear to have been unaware of the impending shift in council control. Only two of the six had indicated in the 1986 survey that local politics were unstable subject to change in political control. Managerial style was of little consequence when the manager was identified with a losing faction. Five of these managers were advocates, while one was a misfit.

In three other cases, managers were fired when a member of the council was persuaded to abandon support for the manager and join the opposing faction. In two of these cities, some members of the council were strongly opposed to the manager. As soon as they were able to convince enough of their colleagues that the manager should be replaced, they fired the manager. Both cities had popularly elected mayors. One supported the manager; one opposed the manager. In both cities, the managers were advocates. In the third city, the mayor supported the manager until the manager "became the issue" between the two factions on the council. The mayor described this manager as outspoken and uncompromising, as airing "dirty linen in public," and as a "numbers person" who could not relate well to people. We classified this manager as a misfit. In all three cases, bitter personal animosities developed between council factions, and the manager appeared to have been personally disliked by hard-core opponents, regardless of the manager's role orientation.

Council conflict could also lead to managerial turnover when the manager, becoming so frustrated or exhausted by the conflict, decided to leave without having located a new job. Two managers with divided councils fled office when the conflict in the council became intolerable. Both were advocates who "burned out." One had for some time successfully negotiated between the contending council factions. This manager was, according to the mayor, "even-handed" with a style that was "low key, mild-mannered." Making it clear that the council set policy, the manager worked hard to implement the council's plans. Finally, however, the manager decided that it was time to change after being insulted by a particularly domineering member of the council. This manager was unemployed for six months. The other manager who fled because of constant conflict in the council attempted to provide leadership to a "directionless" council. This manager resigned after council members rejected the manager's pay and reorganization plans and failed to provide their own alternatives. This manager also remained unemployed for six months. Advocates may be particularly likely to burn out because their drive for professional advancement and responsibility creates high expectations which are more easily frustrated.

Conflict in the council did not always lead to involuntary termination or flight, however. All six managers we studied who left for advancement had also experienced considerable frustration with council conflict. Unlike the managers who fled, each of these managers was able to locate an attractive new position before resigning. These job changes occurred when they did primarily because of the attraction of the managers new opportunities, although dissatisfaction with the conflict in their councils or with an elected mayor also contributed to these managers' decisions to seek employment elsewhere. All six were advocates. In addition, two managers who retired (both conservers) and two who left office for personal, family-related concerns (both advocates) also experienced considerable conflict in their councils before their departures, although that conflict did not appear to have been the critical reason for their decisions to resign. Age, family illness, and the wishes of spouses were more important factors in these decisions.

Altogether, 21 of the 33 managers we studied experienced considerable conflict among members of their councils before they left office. However, that conflict appears to have been the reason for the manager's departure in just over half of these cases (Table 3). Eleven managers, who experienced council conflict, were fired, forced to resign, or fled office. Ten other managers, who experienced council conflict, stayed in office until they found more attractive positions, retired, or had family problems which required their resignation.

Involuntary Turnover in Cities with Divided Councils

The divided councils that forced managers from office generally differed from those that managers continued to serve until they chose to leave in two notable respects: 1) managers were much more likely to be fired or forced to resign in the seven cities where an election changed the balance of the council; and 2) managers were much more likely to be fired or forced to resign in the nine cities where they were opposed by the mayor (Table 4).

Clearly, when elections return a majority of members opposed to the manager, the council may well exercise its authority, force the manager out of office, and appoint someone the new majority views as more amenable to their wishes. Six managers in this situation were fired or forced to resign. Only one located a better position and resigned for advancement. The council's legal authority to hire and fire the manager by majority vote was the basis for the relationship shown in the left panel of Table 4.

The way in which the mayor's opposition led to the manager's firing or forced resignation was not so obvious, however. Kammerer and colleagues provided a plausible explanation, which they developed for their finding that managers had shorter tenure in cities where the mayor was popularly elected. They attributed this shorter tenure to "the elected mayor's base of power, which is 'independent' of the council, and from a presumed leadership role that voters, as well as a separately elected mayor himself, may impute to such an office" (1962, p. 57; see also Kammerer, 1964, and Booth, 1968). They suggested both that elected mayors may be more likely to oppose the manager (to see him or her as a rival leader) and that elected mayors may be more able to build popular support for their opposition to the manager. Our data support both those propositions (Table 5).

We found that popularly elected mayors were more likely to oppose the manager. In the 21 cities with councils divided by conflict, more than half of the popularly elected mayors opposed the manager, but none of the mayors chosen from the council did so. For mayors, popular election clearly related to opposition to the manager, supporting Kammerer's contention that rivalry is more likely when the mayor is elected directly by the voters.

We also found that cities whose mayors were both popularly elected and opposed to the manager were also more likely to elect a new council majority opposed to the manager. A faction hostile to the manager came to power by election in 67 percent of the cities with popularly elected mayors who opposed the manager. This compared to a similar election-based shift on the council in only 13 percent of the cities whose popularly elected mayors did not oppose the manager, and no such shifts in the cities where the mayor was not popularly elected. While each of these cities had divided councils, elections were likely to change the balance on the council only in cities with elected mayors who opposed the manager. This outcome suggested that elected mayors attracted votes not only for themselves, but also for council candidates who shared their views.

Interestingly, mayors were less likely to build a coalition opposed to the manager among existing council members. Only one (popularly elected) mayor was able to convince enough colleagues on the council to abandon their support for the manager and to vote for dismissal. Another (popularly elected) mayor reluctantly joined the manager's opponents in voting to fire the manager after the manager carried outspokenness "too far" and called a leading citizen a liar in the press. A third manager was dismissed despite the support of the popularly elected mayor. However, all the council members who voted to fire this manager were defeated in the next election, while the mayor and the candidates the mayor supported were elected. This result underlines the conclusion that elected mayors' leadership in council-manager cities is more likely to involve winning voters' support for like-minded candidates than it is to consist of winning support from council members from opposing factions. These mayors appeared to exert their leadership chiefly through electoral politics, rather than through coalition-building among members of council.

Professional Advancement and Other Voluntary Turnover

Twelve managers who left office in cities with divided councils resigned while they still had the support of a majority of the council. They, rather than their councils, decided when and how they would leave office. How did these managers deal with councils divided by conflict? Did those who advanced manage differently than those who fled, left for family reasons, or retired? To answer this question, we explored their role orientations.

The six managers who left for advancement were all advocates: active, professional administrators who showed considerable initiative in developing policy and directing city operations. All but one had MPA degrees, and all were members of ICMA. Although two of them had previously served as manager in another city, four were in their first manager position. In 1986, their average age was 41. These advocates had in common technical expertise and good interpersonal skills, although some relied more heavily on technical competence and others on their human relations talents.

The two managers who left for family reasons and the two who fled office out of frustration in attempting to meet the competing demands of a divided council were also advocates. All but one of these managers had an MPA, and all were ICMA members. Only one had been a manager before. Their average age in 1986 was 44. Like those who left for advancement, they approached their work as responsible professionals.

In contrast, the managers who retired were conservers: quiet, unassertive managers who made little effort to develop new policies or to provide strong leadership. Neither had an MPA nor experience elsewhere as a city manager, although one was a member of ICMA. Both were long-time residents of the cities they served. Average age of the conservers in 1986 was 61. They got along by going along and by avoiding council controversies.

Advancement was clearly related to an advocate role orientation. Managers who left to advance their careers were more likely to provide leadership to a divided council. These advocates also tended to be younger, more professionally educated managers.

Subsequent Careers

Do managers who leave office involuntarily subsequently follow different career paths from those who choose how and when they leave? Is dismissal so painful that managers leave city management, or are fired managers stigmatized and less employable in city management? Only about one-third of the managers we studied were still employed as city or county managers or assistants in 1989 (Table 6). One-fourth of the managers who left office had retired. (In addition to the five managers who left office in order to retire, three who were fired also entered retirement.) Others were employed either in public agencies or in the private sector some were unemployed or unable to be traced.

Age (or ill health) was clearly a major factor in all the retirements. (3) If we eliminate from analysis managers who retired and those whose subsequent employment status we were unable to determine, we can see more clearly the relationships between type of departure and subsequent employment.

Surprisingly, type of departure had little or no influence on the rate at which managers remained in the profession. With the exception of managers who fled, about half of those employed in 1989 were still in local government management (Table 7). Managers who fled might be expected to be least likely to return to city management. All of them resigned in frustration without first locating another position. Yet these managers were most likely to have been managers again in 1989. The small number of cases makes generalization difficult, of course, but it appears that the managers who fled were frustrated with their relationships with particular elected officials, not with the job of city management. Interestingly, only half of the managers who left for advancement remained in local government management, although all but one

Managers who were fired or forced to resign were more likely to have gone into the private sector or to have been unemployed than managers who left for other reasons. They, rather than the managers who fled, appeared to have been more often disillusioned with city management as a career. The managers behavior also seemed important in some of these career moves, however. Thus, although fired following an election-based shift in the council, the manager who was unemployed in 1989 had a "gruff, no-nonsense approach" which perhaps made it difficult for that manager to find another council to serve. Following dismissal after 1986, this manager served for several months as manager in another city but was again unemployed in 1989.

Three of the five managers who were forced from office and then went into private business had conflicts with their councils because of their behavior or management style. The other two were forced from office when an opposing faction was elected to control of the council. One of these was an advocate. Although having few regrets about the past city-management career, this manager was glad to be free of the media pressure involved in the job and did not expect to go back into public service. Another of the managers who went into private business was a conserver, who, according to the mayor, resigned to avoid a public airing of a sexual harassment charge. The other three, who were fired and went into private business, we categorized as misfits. None of them recalled city management with fondness or sought to return to that career.

Toward Less Conflict-based Turnover

Managers and elected officials share the opportunity to use conflict constructively and avoid conflict-based turnover. (4) The cases we have studied provide some evidence about how those opportunities are sometimes missed.

Where the council was divided by conflict, the manager was forced from office through expansion of the conflict. Most often, this occurred during campaigns for city council elections. Popularly elected mayors who opposed the manager were usually key actors in widening the conflict. Managers who avoided being drawn into the council conflicts did so by maintaining a posture of professional responsibility. Some of those we studied took a more aggressive lead in proposing policy options than others, but all who avoided being drawn into council conflicts took care to work across council factions rather than becoming identified with any one faction. Elected officials (particularly popularly elected mayors) who sought to identify the manager with their opponents could make it very difficult for managers to remain neutral. Managers who were at once skillful diplomats and adept administrators were most likely to stay outside council conflicts. A skillful manager could even help a divided council use their conflicts to identify new options and create better policy for the city.

Where the conflict was between the council and the manager, however, the manager could not avoid direct confrontation with the council. These conflicts arose because the council and the manager did not live up to each other's expectations. Either the council or the manager behaved in ways that were inappropriate to good council-manager governance. Councils should be able to expect the manager to provide effective leadership of the city government, while remaining responsive to legitimate policy direction from the council. Some of the managers we studied did not behave as professional city managers. They were arrogant, insensitive, or inept in dealing with the council or city employees, or they refused to carry out legitimate policies with which they disagreed. In other cases, it was the council which violated the manager's expectations of good government, by refusing to follow state or federal laws and regulations.

Professional education and training can help managers develop the awareness and skills required for effective city management. Councils can also take care to select and hire candidates who are well prepared for city management. Indeed, screening and selection of an appropriate manager may be the best way to avoid incompatible expectations about the manager's role. Periodic council-manager meetings to review the manager's performance can clarify expectations, too. Managers who are faced with councils that want to implement illegal policies can attempt to educate members of the council about the laws they are proposing to violate. Planning retreats and work sessions can present opportunities for the manager and council members to explore differences and work toward constructive resolution of conflicts.

There was no systematic relationship between managers role orientation and turnover. All types of managers encountered conflict that led to dismissal. Managers who approached their work as advocates were most likely to avoid being drawn into conflict in the council and to determine their own departure from office. Not all advocates were able to avoid involuntary termination, however. Some advocate managers were fired by councils who opposed the professional leadership the manager wanted to provide. Others were fired by councils led by elected mayors who saw the manager as a rival.

City managers need to be prepared to help their councils handle conflict constructively. Conflict which arises through the defense of good government should not be avoided, but should be taken as an opportunity for reform. Focusing on problems, rather than on personalities, and looking for creative, complementary solutions to divergent definitions of public problems can make conflict constructive. Conflict management is an important part of city management, and managers need explicit training and support to improve their conflict management skills.

Method

In this study, we drew on three sources of information: the 1986 survey of managers on which our previous article was based, our 1989 interviews with managers who had left office within two years following the 1986 survey, and our 1989 interviews with the mayors who were in office when these managers left.

The 33 managers and cities in our sample well represent the 133 city sample of Florida municipalities that we reported on In 1990. The managers were overwhelmingly white, male, college educated members of ICMA. They served cities of all sizes and in all parts of Florida. The only difference of note is that the 33 who left were somewhat more likely than those who did not leave to have MPA degrees.

Although some might argue that Florida is not representative of the rest of the United States, we found no systematic relationships between managers' departures and city size, location in the state, growth rates, or district representation on council. Popular election of the mayor appeared to be the only characteristic of city structure related to turnover, and Florida is not unusual in the extent to which mayors are elected directly by the voters. Even if

Florida does, for some unknown reason, have more conflict (and turnover due to conflict) than the rest of this country so that this sample would not be useful for estimating rates of turnover because conflict, the sample still remains valid for investigating how conflict leads to managerial turnover.

Telephone interviews were conducted in 1989. We were unable to interview three managers and six mayors in the 33 cities. However, we were able to interview another member of the council instead of the mayor in five of these cases. Thus, we interviewed a total of 30 managers and 32 elected officials (hereafter referred to as mayor) from the 33 municipalities including two informants for 29 municipalities and only one informant for the other four municipalities. Following each interview, the interviewer coded the manager's style using Downs' classifications. The interviewers also wrote explanations for their selection of classification. In most cases, the independent classifications of the managers, based on mayor and manager interviews, were the same. In cases where they differed, we reviewed the explanation for each classification as well as both entire interviews to determine which category best represented the behavior of the manager. A few managers did not fit any of Downs' bureaucratic types. They appeared to have been out of place in city management, with unrealistic expectations about their authority and responsibilities. We classified these managers as "misfits."

The two sets of interviews permitted us to compare each manager's and mayor's account and interpretation of the manager's departure, Although a complex of reasons usually explain why a manager has left office, we asked our respondents to identify the most important reasons for each departure. We then reviewed their responses carefully to categorize departures on the basis of the primary reason for leaving. We were generally

very satisfied with the candor of the respondents, and our ability to compare two accounts for most of the cities increased our confidence in the reliability of these data.

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References

Argyris, Chris, 1982. Reasoning, Learning, and Action. San Francisco: Jossey-Bass.

Barber, Daniel M., 1988. "Newly Promoted City Managers." Public Administration Review, vol. 48 (May/June), pp. 694-699.

Booth, David A., 1968. "Are Elected Mayors a Threat to City Managers?" Administrative Science Quarterly, vol. 12 (March), pp. 572-89.

DeHoog, Ruth and Gordon P. Whitaker, 1990. "Political Conflict or Professional Advancement: Alternative Explanations of City Manager Turnover." Journal of Urban Affairs, vol. 12 (Winter), pp. 361-377.

Downs, Anthony, 1967. Inside Bureaucracy. Boston: Little, Brown. Fisher, Roger and William Ury, 1982. Getting to Yes. New York: Penguin Books.

Green, Roy E, 1987. "Local Government Managers: Styles and Challenges." Baseline Data Report, vol. 29, no. 2 (March/April).

Kammerer, Gladys M., 1964. "Role Diversity of City Managers." Administrative Science Quarterly, vol. 8 (March). pp. 421-42.

Kammerer, Gladys M., Charles D. Farris, John M. DeGrove, and Alfred B. Clubok, 1962. City managers in Politics: An Analysis of Manager Tenure and Turnover. Gainesville, FL: University of Florida Press.

Newland, Chester A., 1985. "Council-Manager Government: Positive Alternative to Separation of Powers." Public Management, vol. 67 (July), pp. 7-9.

Schwarz, Roger M., 1989. "Groundrules for Effective Groups." Popular Government, vol. 54, no. 4 (Spring), pp. 25-30.

Stillman, Richard J., II, 1974. The Rise of the City Manager. Albuquerque: University of New Mexico Press.

Svara, James H., 1990. Official Leadership in the City: Patterns of Conflict and Cooperation. New York: Oxford University Press.

Zeigler, Harmon, Ellen Kehoe, and Jane Reisman, 1985. City Managers and School Superintendents. New York: Praeger.

Notes

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1. In addition to the 33 managers who left office, two of the responding managers died in office during this period. See DeHoog and Whitaker (1990), pp. 12-14 and notes 11 and 12, for a discussion of the sample. 2. In one city, the manager claimed he was forced to resign to avoid being fired, and the mayor said the manager was fired. We determined that this manager had, in fact, been fired. In another city, the manager claimed he was pressured to resign, and the mayor said the manager was not pressured, but "just got tired of administration." We concluded this manager had indeed felt pressured to resign. A third manager also said he had been pressured to resign, and the mayor claimed he did not know why the manager left. We decided this manager had been pressured as well. Two managers stated they had left for advancement, while their mayors said they had left because of pressure. Because both managers went directly into more attractive positions, we concluded that they resigned when they did primarily for career advancement. Another manager stated a desire to relocate for family rsasons, but the mayor said that manager was pressured to resign. Because this manager went directly to another city management position in the desired area, we decided the manager had resigned for personal reasons. 3. In 1986 the average age of the five managers who later resigned to retire was 61. The average age of the three managers who retired after being fired was 68. 4. For a discussion of the constructive use of conflict, see, for example, Argyris (1982); Fisher and Ury (1982); and Schwarz (1989).

Turnover among City Managers: The Role of Political and Economic Change

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Turnover among City Managers: The Role of Political and Economic Change

Abstract

Executive turnover can have profound effects on city policy, programs, and commitments such as contracting or issuing debt. This paper identifies how political changes, reflected in the composition of the city council, and economic changes in the community influence city manager turnover. Analysis of manager turnover patterns in 143 large U.S. cities with council-manager governments from 1987 to 1999 allows us to distinguish "push" and "pull" factors that can induce city managers to leave their jobs.

The empirical analysis demonstrates that political conflict and economic development can influence the likelihood of a city manager exiting a community, but these effects can be somewhat complex. In particular, the influence of community economic development on turnover includes a temporal dimension not revealed in previous research. We conclude by discussing the findings' implications for career patterns in city management.

Turnover among City Managers: The Role of Political and Economic Change

Turnover in top administrative positions has been linked to management difficulties in public, private, and non-profit organizations. In the private sector, a great deal of research indicates that turnover has critical effects on the organization's performance and remaining personnel (Sheehan 2001; Droege and Hoobler 2003; Shaw, Delery, Jenkins and Gupta, and 1998). This suggests that executive turnover also should prove important in the public sector. At the local government level, city manager turnover is especially important because these managers play increasingly complex and interrelated roles in both the substance and the process of city governance (Svara 1999).

Several empirical studies have explored the factors that account for the length of city managers' tenure (DeSantis and Renner 1993; Renner 1990; DeHoog and Whitaker 1990; Whitaker and DeHoog 1991; Feiock and Stream 1998). Turnover among managers often is attributed to either "push" or "pull" factors (see, e.g., DeHoog and Whitaker 1990). Push factors prompt managers to leave their current positions because of political conflict or differences in style, orientation, or policy between the managers and their councils. Pull factors entice managers to leave their current positions for professional, financial, or personal advancement.

We build on this theoretical foundation and propose a model that captures the push-and-pull factors as they relate to economic development and political conflict as well as other environmental and fiscal factors. This model, which builds upon earlier case studies and attitudinal surveys, provides a method for direct measurement of such factors as change or stability in council membership and economic well being among the nation's larger cities. The model is estimated with a time series panel from 1987 to 1999 of the 143 largest U.S. cities with council-manager governments. This approach

allows us to discern the direction, strength, and magnitude of push-and-pull factors on city manager tenure.

City Managers and Turnover

City managers once were viewed as neutral technicians with limited roles in the policy-making process, but scholars increasingly came to appreciate that, for managers, the separation between politics and administration often was more symbolic than factual (Stillman 1974; Miller 2000). In fact, managers' leadership in city policy making is a recurrent theme in the contemporary literature (Nalbandian 1999; Nalbandian 2000; Svara 1990; Svara 1998). In addition to their traditional management role, city managers are now expected to undertake community building and to facilitate democratic processes between the community and its government (Nalbandian 1999). The issues city managers bring before the council, the information they present to support their recommendations, and the direction they provide employees who carry out programs all thrust managers into the policy-making process. City managers have become such an integral part of the policy process that policy proposals frequently originate with the manager, rather than with the council (Newell and Ammons 1987; Morgan and Watson 1992; Martin 1990). In particular, city managers are expected to play a key role in the formulation of economic development policy (Banovetz 1995; Wright 1969). Because of the visible outcomes of economic development, this role focuses attention upon city managers, who may be awarded credit for their city's economic success or blame for its failure.

Because of their role in the policy process, the tenure of city managers is important. Change from one city manager to another has significant policy implications if different managers bring different preferences, skills, and backgrounds to the job. Among other things, turnover affects the city's

implementation of local innovations such as experimenting with new service delivery approaches, ability to enter into long-term obligations by issuing debt, or capacity to make future commitments through contracting (Clingermayer and Feiock 2001; Feiock and Clingermayer 1993)

As important as city manager tenure is, it is at times tenuous, due in part to the basic structure of career paths in city management. City managers tend to be highly educated, well-paid, and mobile professionals. Some 80 percent do not come from the community they serve (DeSantis and Newell 1996). Mobility is central to the city manager's typical career path, which often proceeds from appointment as assistant manager to manager of a small town and, finally, to city management posts in larger or more prestigious communities (Paul 1981; Barber 1988). Managers of larger cities (those with populations of 100,000 or more) frequently follow a somewhat different career path in that a substantial minority (about 45 percent) of these managers has spent their careers working in the city in which they now serve as managers. Many larger cities, it appears, "grow their own" managers through career paths available within the city itself. (Watson and Hassett 2004). Turnover remains a key issue, however, whether a change in the manager's position comes from within the city's ranks or from another city.

City managers' prominent role in city policy, coupled with their tenures' dependence on the pleasure of the councils they serve, also affects manager turnover. Typically, the manager is hired by the city council and is subject to removal at any time by its majority vote. While the council-manager form of government often is perceived as inhibiting or assuaging community conflict (Lineberry and Fowler 1967; Banfield and Wilson 1963), conflict can be at the heart of city manager turnover. In a study of 39 city manager turnovers in 10 Florida cities, Kammerer et al. (1962) found that two-thirds of these exits were involuntary terminations by the council. Most terminations resulted from political disputes. A more recent Florida study found that political disagreements also indirectly influence voluntary terminations

because managers may leave their positions preemptively, before conflict with the council reaches the "firing point" (DeHoog and Whitaker 1990). Turnover and conflict among council members led city managers to exit their positions in Chicago-area municipalities (Kaatz 1996). Turnover in elected office may signal political controversy that will soon put politicians and administrators at odds, resulting in the managers' departure. In short, turnover on city councils may lead to turnover in city managers.

City characteristics, particularly demographic composition and the city government's fiscal condition, also have been linked to manager turnover. In heterogeneous areas, cleavages based in wealth, race or other social conditions can lead to conflicts that spill over to local government. Administrators serving in more affluent and racially homogenous communities may experience less conflict, resulting in lower turnover rates. For example, Watson and Hassett (2003) relied on the ICMA's 2000 national survey to identify "long-serving" city managers (those who retained their positions for 20 or more years.) Less than 5 percent of the survey respondents had served such terms, and most of the cities in which these managers served were relatively homogenous, politically stable cities with populations under 30,000 (Watson and Hassett, 2003). The city's fiscal condition also may contribute to manager turnover. Previous work explored how demographic factors and such fiscal policies as taxing, spending, and borrowing influence tenure but report only modest effects (Feiock and Stream 2002). In communities with strong fiscal capacity, low taxes, and low debt, the performance of managers may be non-controversial. Similarly, smaller, wealthier, more homogenous communities may be more politically stable and experience less turnover among managers.

Economic Development and Manager Turnover

Recent work has begun to examine how government performance can affect employment opportunities for city managers. Examining administrators' actual performance in office is problematic. given the difficulty of defining and/or measuring good and bad performance. Yet, in studies of electoral cycles and retrospective voting (see, e.g., Fiorina, 1981), researchers have used the economic performance of a politician's jurisdiction as an indicator of the incumbent administration's accomplishments. The city's economic performance is a similarly reasonable proxy for city manager performance. Local economic development has long been seen as an important undertaking for city managers (Wright 1969). The International City/County Managers' (ICMA's) 2000 national State of the Profession survey found that managers identified economic development as one of the most important issues facing their jurisdictions (Renner 2001). City managers have increasingly been assigned responsibility for managing economic development within the city (Banovetz 1995). Because city managers may be given credit for income growth in the community, successful economic development efforts can create job opportunities for these managers. Recent work suggests that if city managers can creatively use development policies to attract growth, they can cash in these development gains on the job market and move to more lucrative positions in larger communities or private firms (Stein 1990; Feiock and Stream 2002.)

If managers can credibly claim credit for their city's economic successes, it is likely that they can be assigned blame for its economic woes. Focusing on the city's economic well being may make it possible for empirical analysis to account for the strength and magnitude of both the push-and-pull factors that influence city manager tenure. Managers of cities experiencing income growth are apt to be

"pulled" to new, more attractive positions, while managers of cities suffering from a lack of or actual decline of income growth are likely to be "pushed" from their jobs.

The relationship between city economic growth and manager tenure is complicated by the fact that the idea of growth or decline has an implicit temporal dimension in which the present is compared with the past. The theoretical and empirical problems arising from this simple fact center around the length of time needed to both discern economic "trends" and award the manager either credit or blame. In his landmark study of congressional action, Arnold (1990) found that poor outcomes are more likely to lead to a swift effort to lay blame than good outcomes are to an effort to bestow rewards. Following this logic, a lack of income growth over the short term may contribute to councils' dissatisfaction with city managers and lead to efforts to push them from office. Over the longer term, however, economic growth and development may be credited to the city managers, boosting their reputations and pulling them to other positions.

We attempt to sort out the push-and-pull forces of economic growth by separately measuring short-term economic changes and longer-term economic growth trends. The empirical analysis reported in this paper identifies how both short-term income change and longer term income growth in an administrator's community influences his or her tenure in office.

Research Design

The effects of council turnover and city economic well being have not been subjected to systematic, large-scale empirical tests. Empirical work to date relies on relatively small case studies in a single state (for example, Whitaker and DeHoog's 1991 study of 33 Florida managers) or self-reported responses to city manager surveys (for example, Kaatz, French and Prentiss-Cooper 1999), which may

either not be generalizable beyond the single state or depend too heavily on the professionalized perspectives of city managers.

This study advances an innovative design and employs a large national sample of councilmanager cities to estimate more precisely the effects economic growth and change in city council composition have on manager turnover. This analytic approach provides a generalized picture of the individual factors affecting city manager tenure in the context of the model's other variables.

The model is estimated with a pooled cross-sectional time series of the 143 U.S. cities with council-manager governments and populations of at least 75,000. Focusing on large cities not only provides more complete data, it allows us to examine turnover in communities where more ambitious candidates contend for office and turnover among elected leaders represents greater conflict and uncertainty. Turnover is examined from 1987 to 1999. Because the Hausman test indicates a city level unit effect, we estimate the model using a fixed effects logit procedure. The dependent variable is a dichotomous measure indicating whether there has been turnover in the office of city manager from the previous year, coded as "1" when turnover occurred in that year. These data were collected from various volumes of the National League of Cities' *Directory of City Policy Officials* and the ICMA's *Municipal Yearbook* (1984–1990).

Independent Variables

The independent variables include measures of turnover among elected council members, demographic characteristics of communities, the fiscal condition of the cities, and economic growth. Our main "push" variables are turnover among elected council members, and short-term economic change.

We assume that council turnover is a matter of degree such that the greater the amount of turnover, the

greater the potential impact on manager tenure. We measure the extent of council turnover by calculating the proportion of members who served four years earlier that are no longer serving on the council. Measuring turnover in this fashion accommodates variations in cities' council sizes and electoral cycles, and accounts for our contention that turnover is best captured in relative rather than absolute terms. We expect that the greater the proportion of incumbent council members who leave, the more likely the manager will exit. To determine council turnover rate, we identified the members of local governing bodies each year from 1983-1999. Changes in council membership were recorded, and the proportion of new members to incumbent members derived for each city in each year. Short-term economic change was measured as the change in per capita personal income from the previous year.

The key "pull" factor is the economic growth trend over time. We measure growth trends with the average change in per capita personal income over the previous four years. Other community characteristics that have been linked to city manager tenure include city population, population change, per capita personal income, and percent non-white. We expect large and fast-growing communities will experience more frequent manager change, while wealthy and racially homogeneous communities will experience less turnover. These measures are taken from the U.S. Census. City fiscal variables included are per capita own-source revenue, as an indicator of fiscal capacity; per capita property taxes; the city bond rating: and per capita long-term debt. Fiscal data were drawn from published and on-line reports provided by the Geographic Division of the U.S. Bureau of the Census. The fiscal and demographic variables are lagged by one year.

Accounting for City Manager Change

Estimates of the likelihood of manager turnover predicted by the model described above are reported in Table 1. As indicated by the likelihood ratio Chi², the data provide a good fit to the model. The logit parameter estimates indicate how likely various push-and-pull factors are to affect city managers' tenure. The extent of council member turnover, as expected, predicts administrative turnover. The greater the proportion of council members who do not return to office, the greater the chance that the city manager will leave. On the other hand, the cities' demographic characteristics and fiscal conditions included in the model--population, population growth, racial composition, debt levels, and property taxes, among others--had no statistically significant influence on turnover.

[Table 1 Here]

The most dramatic results pertain to the effects of the cities' income levels and economic change. The *level* of per capita income is negatively related to turnover, suggesting that the more well off the community, the more likely it is to retain its city manager. The relationship between change in the city's economic condition and change in its management is dependent on both the duration and the direction of the economic change. Both managers of communities facing short-term economic problems and managers of communities experiencing economic growth are likely to end their tenure with the city. If the cities' economy is worse this year than last, the likelihood of city manager turnover increases. Conversely, short-term economic gains do not affect city manager tenure. Positive economic news apparently takes longer for its effects on turnover to be felt. The likelihood of manager turnover increases only when cities experience longer-term economic growth.

Conclusion

The findings reported here suggest that city managers' careers are subject to the forces of both political and economic change in the communities they serve. When there is substantial change on the city council, the likelihood of turnover in the city's top administrative post increases. Greater proportions of new council members suggest a lack of political stability, induced either through conflict or through institutional mechanisms such as term limits. The smaller the share of "old guard" council members, the more likely it becomes that the change in the city's direction also will be signaled by the city manager's exit. This generalized finding corroborates the impressions of city managers gathered through national surveys as well as the patterns depicted in case studies. While this may be conventional wisdom, it has lacked systematic confirmation until now. By holding other factors affecting manager tenure constant, our empirical results demonstrate the powerful, direct, and independent effect of political change on city manager tenure.

The cities' economic condition affected city managers' tenure across several dimensions but, surprisingly, their governments' fiscal condition had no significant influence. The likelihood of manager turnover is diminished in wealthier cities, such that the higher the per capita personal income, the lower the chance of city manager turnover. Residents of more affluent communities, presumably with greater slack in their personal budgets, may be more content with the status quo and less apt to push their cities' managers from office than residents of other cities. On the other hand, managers of wealthier cities simply may choose not to be pulled to other positions, where their jobs would include the additional challenges faced by cities with less prosperous residents. In short, managers of cities with residents who are well off are less likely to experience either the push-or-pull factors felt by managers of other cities.

Communities that experienced little or no short-term growth as well as those that experienced strong growth over a longer period were apt to have higher manager turnover than other cities. Taken

together, these findings demonstrate the importance of economic development to city managers' career paths. Our results also help flesh out some dynamics of the push-and-pull factors that contribute to managers' tenure. We suspect that many of the managers leaving cities that faced a stagnant or declining economy over the past year were pushed from office, while many of the managers exiting cities that enjoyed economic gains over the past four years were pulled to other positions. Managers of cities whose economies have failed to achieve dramatic improvement over the long term, however, are apt to remain in office. It appears that if bad economic news is going to be acted on, the action will be taken quickly, and it is likely that the city manager will take the fall for the city's sudden economic reversal. For cities with growing economies, the opposite relationship holds. Managers of cities experiencing short-term economic gains are likely to remain in office, but if economic gains are sustained over time, these managers are likely to leave. Our findings indicate that city managers are held responsible for community economic growth. This accountability, however, is not evenly balanced between commending a good outcome and condemning a bad one. The temporal dimension differs such that assigning blame for negative performance is done in response to short-term downturns. Good outcomes, however, must be experienced over a longer period before credit can be claimed. This suggests that for city manager tenure, push factors are apt to be related to a fairly current issue. Pull factors, on the other hand, are likely to develop over time as managers enhance their reputations through repeated successes.

Note

1. "Larger" cities are those with a 1989 population of 100,000 or more.

References

- Arnold, R. Douglas. 1990. The Logic of Congressional Action. New Haven, CT: Yale University Press.
- Banfield, Edward, and James Q. Wilson. 1963. City Politics. Cambridge, MA: Harvard University Press.
- Banovetz, James M. 1995. Council-Manager Government's Response to Economic Development. In *Ideal & Practice in Council-Manager Government*, edited by H. George Frederickson, 213–26. Washington, DC: ICMA.
- Barber, D. M. 1988. Newly Promoted City Managers. Public Administration Review 48: 694-99.
- Clingermayer, James C. and Richard C. Feiock. 2001. Institutional Constraints And Policy Choice : An Exploration Of Local Governance. Albany: State University of New York Press.
- DeHoog, Ruth, and Gordon Whitaker. 1990. Political Conflict or Professional Advancement:

 Alternative Explanations of City Manager Turnover. *Journal of Urban Affairs* 12: 367–77.
- DeSantis, Victor S., and Charldean Newell. 1996. Local Government Managers' Career Paths. In *The Municipal Year Book* 1996, 3–10. Washington, DC: ICMA.
- DeSantis, Victor, and Tari Renner. 1993. Contemporary Patterns and Trends in Municipal Government Structures. In *The Municipal Yearbook*, 57–69. Washington, DC: ICMA.
- Droege, Scott B., and Jenny M. Hoobler. 2003. Employee Turnover and Tacit Knowledge Diffusion: A Network Perspective. *Journal of Managerial Issues* 15: 50–64.

Exhibit 10

COMMISSION SUGGESTIONS

COMMISSION SUGGESTIONS

Millcreek has taken some important steps recently including the addition of Human Resources and an IT person and these are to be applauded. However, our study has found some areas we feel need attention and we decided that it would be appropriate to offer suggestions we think the township leaders should consider.

The commission members believe it would be helpful to establish a Long Range Strategic Planning Committee that serves as an ongoing advisory committee to the supervisors to evaluate the township for needs such as, but not be limited to: Commercial and Industrial Development, Redevelopment, Strategic Planning, Beautification, Code Enforcement and Government Structure. The work of the committee should be open to and engaged with the public. The following are some areas in which we believe the committee should be proactive.

- Better planning is suggested in the fleet replacement area so equipment is street-ready at all times. Preventive maintenance is the key to longer-lasting and well maintained equipment leading ultimately to lower costs.
- Allow the Police Chief to manage his department with less intervention.
- Consider a structured program for evaluating employees for performance with yearly reviews
- Prepare for employee transition. One great concern of the commission is the demographic of the township work force. Provisions should be considered for the transition of retiring employees.
- Consider a quality control program similar to International Standards
 Organization (ISO) so there are standard operating procedures in place and
 all township employees are aware and embrace them.
- Department heads should meet with supervisors and other department heads on a more regular basis to improve communications.
- Elevate the status of the Technology Department with other departments to encourage employees to embrace technology.
- Establish and strictly enforce work place rules for things such as work hours, summer schedules, time off for lunch breaks, vacations, etc.
- Ongoing analysis of all salaries, pensions and benefits to be evaluated and compared with similar positions in the public and private sectors.

- All supervisors should receive \$5,000 as pay for being a supervisor and a resulting reduction in their current salary as full-time employees.
- Endeavor for more consistency in the rotation of supervisor responsibilities every two (2) years.

These ideas are offered as recommendations, and it is hoped they will be carefully reviewed to determine if they will be helpful to township operations as the Millcreek Township Government Study Commission anticipates they will.

Millcreek Township Government Study Commission