

Government Study Commission

October 1, 2013

Meeting Minutes

Committee members in attendance: Bert Lennon, Philip Shevlin, David Sheridan, Robert Winston, Stephen Hughes, Blake Wilson, William Berwick and Alternate, John Sacrison. Absent from the meeting were Kenneth Womack, and James Flower.

David Sheridan called the meeting to order.

Minutes from the September 17 Government Study Commission meeting were approved.

Guests in attendance were Chief Margeson, Borough Manager Candland, former Borough Manager Fred Bean, former Mayor Kirk Wilson, and former Council Member Roger Spitz.

Following are statements provided by Chief Margeson.

- All sworn police officers in the borough are under civil service rules.
- Only Borough Council has authority to initiate a warranted discipline process of the police chief per borough code.
- The Chief sees the council/manager form of government as a favorable form of government with the exception of the borough manager having oversight of the police.
- The mayor should have operational control over the police. This provides one point of contact for the police chief. The Chief is concerned that if the Borough Manager has oversight there would be the influence of multiple elected officials directing the Manager to make decisions. This structure could also have political influenced regarding decisions.
- The Public Safety Committee is held to keep council members updated on police issues and to hear their concerns.
- The police department is moving forward with the police dispatch transfer after the council vote to do so.

There was discussion regarding the police department being under civil service. Presently the police are protected by civil service in the borough of Carlisle. Chief Margeson stated there are some cities that the police are not under the civil service and that model works well but he has also heard of the same model that is very political. He feels that having the chief of police under civil service regulations avoids political interference in police operations.

Chief Margeson was asked to explain the definition of operational control. He stated in regard to a Mayor having operational control means policies can be implemented by the mayor and being involved in technical aspects of daily operations. The previous and present mayors have not used that type of control in the police department.

Chief Margeson was asked about potential problems where the police department is supervised by the borough manager. The Chief responded that, other than potential problems during contractual negotiations, this would depend on the council involvement.

There was discussion on nepotism in the current structure and if the language should be strengthened in the borough code. Chief Margeson stated in the police department that is eliminated due to the civil service process. He is not aware of the language in the borough code regarding other personnel and council.

Chief Margeson departed the meeting.

The meeting moved to addressing questions to former Mayor Wilson, Roger Spitz, previous Borough Manager Fred Bean and present Borough Manager Candland.

The question was posed to the group asking their opinion on what the duties of the Mayor are.

Kirk Wilson, 501 Garland Drive Carlisle, Pennsylvania responded the title of mayor holds a sense of responsibility and authority to open lines of communication to other jurisdictions and businesses. This position serves as a public relations liaison.

The question was posed if the mayor and the council president could be the same person.

Mr. Wilson stated with that model of government the president/mayor should be elected by the citizens.

Fred Bean 716 Sherwood Drive, Carlisle ,Pennsylvania stated the mayor should be the chief elected official and have a council vote on every issue and not have veto power.

Roger Spitz stated under the current Borough codes for mayors, the mayor has no power. He feels the Mayor should be equal with the other council members.

Mr. Bean responded to the question if the Mayor should be responsible presenting the budget to council. He feels the budget should continue to be proposed by the manager's office to keep the politics out of the budget.

Matt Candland Belvedere Street, Carlisle Pennsylvania explained how the position of Mayor was created six hundred years ago during the times of Vikings. A chief public safety officer was appointed to help protect the cities and he was named a Burges. This form of government carried over to America, specifically in Fort Louthier, which is now Carlisle. Until 1960 the title of Burges was used in Carlisle at which time the title was changed to mayor. He stated what has happened over time is the mayor has become the chief elected official. The Boroughs in Pennsylvania kept the mayor position and combined the old form of government with the new form, which can cause problems of who has the authority. Overtime the mayor has become the advocate for the police. Mr. Candland does think the position of the mayor should be maintained. The ideal professional form is the council/manager does not have separate mayor. He thinks that the power should be put in the hands of the council. He does feels everyone needs to be accountable to someone. The council is accountable to the people.

Dave Sheridan asked the views regarding assigning the Mayor the task of overseeing the police department.

Kirk Wilson responded because of the impact the police have on the budget it is beneficial to have a Mayor in that roll to work for and ensure public safety.

Fred Bean disagrees and thinks the Borough Manager should have day to day responsibilities over the police department. As a previous borough manager he felt the Mayor overseeing the police department hampered the effectiveness of the Borough. Mr. Bean stated the department overseeing the police department should have a professional trained manager and there should be no political interference in the police department. Also, the current system of an elected mayor as a department head leaves many questions as to who makes decisions on the budget and the non-uniformed employees working at the police department. He commented today's Mayors do not have the training that professional managers have to oversee the day to day functions of the police department. The key role of the council and mayor is to set policies.

Matt Candland stated he feels there is a better chance of a professional manager having more training than an elected mayor for overseeing the police department and politics should be kept out of the police department. The citizens should know that everything is governed by the rule of law and police should be held above reproach. The most important department to have accountability is the police.

Roger Spitz noted the authority of the mayor should be placed under the borough manager.

Guests were asked if the tax collector should be elected or if a member of the administrative staff should be responsible for tax collections.

Roger Spitz stated unless you can put restrictions on an elected tax official the borough should appoint the tax collector and not be collected in-house by the borough.

Robert Winston posed the question if it would be worth a few thousand dollars and the peace of mind for the borough to collect the taxes and know there is oversight of the collections and money.

Bert Lennon questioned why it was stated the borough lost money collecting taxes. The same amount of money that is paid to a tax collector would be paid to the borough.

Matt Candland commented the tax collector position was created years ago. The current system does not require experience, does not have internal controls and no accountability. Over time you will see taxes collected regionally. The tax collector position is no longer needed and the citizens would feel more comfortable writing their check to the borough.

Fred Bean agrees with that the elected tax collector and the function of the tax collector should be within the borough.

Kirk Wilson stated abolishing the local tax collector has been brought before the state and thinks this change will take years to be accepted.

Robert Winston recounted that presently a part time borough employee is being paid \$20,100 and is supervised by the assistant finance director. Moving to a full time employee would cost the borough \$57,000 including benefits.

Matt Candland commented there was a cost to the borough to clean up the mess from the previous tax collector. Also, there was loss of confidence in the institution by the citizens. Even though the tax collector was bonded, the borough will not be reimbursed for the cost to clean up the taxes.

The guests were asked their opinions on term limits for council.

Kirk Wilson had no opinion either way.

Matt Candland stated he is not a fan of term limits. You have to put trust in the citizens that elect the officials.

Roger Spitz stated the people should set the term limits.

Kirk Wilson stated it took him around two to three years of being in office to know how the system works.

The guests were asked their opinion on referendums.

Matt Candland cautioned to carefully set the requirements for a referendum and not make the process too easy to pass on to a referendum. Also, language should be included to make the budget an exception to referendum.

Kirk Wilson stated the elected officials are more informed and can take the emotion out of the decisions.

Fred Bean stated the referendum was permitted to allow the citizens to have a voice. He stated this borough has allowed the voice of the people to be heard. The charter should not be too broad and be specific about what is allowed.

Roger Spitz thinks referendums should be allowed.

The guests were asked their opinions on election by wards.

Kirk Wilson state the decisions should be made by people representing the entire community.

Fred Bean recommended keeping election at large.

Matt Candland commented the elections by ward may tend to make the elected official become swayed to make decisions for just their wards.

Rogers Spitz state there should be wards to have all citizens equally represented.

Fred Bean recommended an ethics code/policy be written into the charter for council and borough employees for good government practice. He commended the commission for the task they are doing and wished them luck in their efforts.

New Business

Connie Biers stated she would like to see more transparency in the police department. She asked how the council knows if discipline is need if they are not aware. The civil service does offer protection to the police but the public needs to be protected by overzealous police. She doesn't think insulating the police is as important as transparency.

Linda Ceconello stated the monetary amount will be decreased for the tax collector due to the removal of the per capita tax. The difference in the cost to the borough verses the tax collector is the purchase of the necessary software. She added the reason more citizens do not run for office is the cost to run. Ms. Ceconello the commission would not be in existence fi not for a referendum and feel the topics should be specific if referendums are written in a charter.

Bob Winston will meet with Matt Candland and Owen Snyder to prepare a budget for the commission.

Meeting was adjourned at 9:00 PM.

Respectfully Submitted,
Joyce Stone,
Borough Secretary