

Government Study Commission

Public Hearing

October 29, 2013

Carlisle Borough Hall

Meeting Minutes

Committee members in attendance: William Berwick, Stephen Hughes, Bert Lennon, John Sacrison, David Sheridan, Philip Shevlin, Robert Winston, Blake Wilson, and Ken Womack.

Mr. Sheridan was present via telephone conference call.

Mr. Womack called the meeting to order at 7:00 PM.

The October 15, 2013 minutes were approved.

Mr. Womack provided a brief overview of the commission's process to date. He read a definition of the function and duty of the commission from the DCED website

"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. "

53 Pa.C.S. 2918; Home Rule Charter and Optional Plans Law 5

Mr. Womack provided a timeline for the Government Study Commission process. The commission must report its findings to the citizen in nine months from the date of the election. The commission will be permitted an additional nine months if a Home Rule Charter is elected. The commission was elected May 21, 2013. If an optional form of government is elected the commission must submit the report to the board of elections by February 21, 2014. If a Home Rule Charter is elected, the commission must submit the report to the board of elections by November 21, 2014. In order to have the charter on the November 21, 2014 ballot, the Home Rule Charter report must be submitted to the board of elections no less than sixty days which is August 21, 2014.

Mr. Womack reviewed the work schedule and the research phase provided in the attached document. He stated during the research phase the commission identified a number of issues which the commission divided into seven key categories.

Purpose of tonight's meeting is to make a decision on direction for the government study commission

- Recommend no change

- Study optional forms to recommend to electorate
- Draft home rule charter to present to the electorate

Following are the statement provided by the Government Study Commission:

Mr. Berwick stated he based his decision on interviews with various members of past and present government. He thinks having an elected Mayor gives Carlisle a higher standing in the state with a Mayor as the face. In regard to the police department, he feels they should be reporting the elected official. Because Carlisle is too small to hold elections by wards, the elections should be at large. He stated the biggest decision is the tax collector because we never know if the person running for election is qualified. The tax collector should be hired by the council and accountable to them. His position is that a Home Rule Charter could address these issues and an optional form of government would not.

Mr. Hughes stated during his activities in the community one thing he found in common was citizen dissatisfaction with the various decisions made by the council. He noted there is no way to change decisions once approved by borough council. Mr. Hughes studied the town of White Hall and found their borough is run similar to Carlisle except they have citizen initiatives and referendums. He added during the interviews with past and present council members, all but two persons thought the borough could be run better. In the interviews with the past and present borough managers, it was point out that some changes could be made under our current government. To date no changes have been made in regard to community policing and a code of ethics for council and employees. He feels an optional form of government would not make a difference with the issues that the citizens have expressed dissatisfaction. Mr. Hughes also expressed disappointment with the lack of turn out to the Government Study Commission meetings. He wondered if nothing is broke why fix it. He then explained that he sent out a survey to 100 citizens asking their opinion on the options, "doing nothing or a home rule charter". He received twenty two responses and twenty one were in favor of a Home Rule Charter without even knowing what was in the charter. Mr. Hughes state he will be voting for a Home Rule Charter.

Mr. Lennon provided his position. He stated he planned to vote for writing a Home Rule Charter although in previous deliberations he advocated the "do nothing" option. In subsequent meetings and hearings he stated he heard rationale from his fellow commissioners and other citizens in attendance that caused him to step back and reevaluate his position. Mr. Lennon stated to the position that "... if Home Rule is so good, why haven't more boroughs adopted it?" He replied" that a lot has transpired since the borough was established in 1751. We need a local government empowered to meet the unique challenges we face in the twenty-first century. We can't continue to 'kick the can down the road'. Mr. Lennon provided a few ways in which Carlisle is unique within the Commonwealth.

- Straddles intersection of 2 major interstate highways systems, therefore, has become second largest truck terminal and distribution center in US.

- 3 major educational inst. - Dickinson College, Penn State Law School, USAWC
- Challenged with redevelopment of 3 large 'Brownfield's', former Lear, Carlisle Tire and Wheel and Tyco sites
- Carlisle resident's economic well-being and quality of life are directly impacted by decisions within a 'system' of federal, state, county and local government agencies – including surrounding townships – where we don't necessarily have a say.

He noted there are two key issues that can only be fixed by Home Rule Charter. These issues are the tax collector who has fiduciary responsibility for millions of dollars and is not required to obtain training or certification. Our citizens deserve a qualified, accountable tax collector. The second issue is increase citizen input through initiatives and referendum. He stated if a charter is selected he plans to be a watchdog against "Christmas tree syndrome" during charter development to prevent bells and whistles added to the plan that will not meet the ultimate objective. He feels it is necessary to continue to educate the citizens in order to have a high confidence level for issues identified in the charter that require a solution. Mr. Lennon stated the final product will have to meet one public opinion test – the appropriateness of the recommended changes to our local government will have to be intuitively obvious to even the most casual of observers within the local electorate for it to receive a "Yes" vote in the referendum for its approval.

Mr. Shevlin stated he came into process without preconceived ideas. The opinions he has formed has come from the interviews with the past and present council, mayors and borough managers. He feels the Mayor should be elected at large and be the figure head for the borough. He would like to see the police chief fall under the charge of the borough manager. His reasons are the borough managers are trained in this trade and although the present Mayor does a fine job, we do not know what the next Mayor may bring. He would like to see council elected by wards with one member from each ward and two at large. This would give equal representation for the borough citizens. Mr. Shevlin likes the idea of term limits, allowing two terms and one term off. In regard to the tax collector he suggested the council should be given the authority to determine if the tax collector is elected or appointed. He stated he will be voting for a Home Rule Charter and does not feel an optional form of government is the approach to take.

Mr. Sacrison stated he believes strongly that any local government needs to be looked at every couple of years. This is because systems change and although government can adapt there may be better methods for adaptation. He comes with the point of view that something needs to be changed and how do we go about it. Mr. Sacrison believes the mayor should remain with better defined roles and responsibilities. He feels the biggest single advantage for Home Rule is the citizen's right to petition. He also recommended initiative and referendums with specific guidelines. His preference on the tax collector would be to have an appointed tax collector with qualified criteria. He would also consider recommending that council would decide if the tax collector should be elected or appointed. He noted the borough purchasing and contracts is now bound by state law. This could be improved through making changes to bidding regulation, mandated advertising

and tailor contract specifications to our needs and costs. He mentioned the financial impact with these changes has the potential for more efficiency and less waste. Mr. Sacrison also pointed out this commission is not discussing tax increases, this is for the elected council to decide. He stated of the three choices available, he believes in the interest of Carlisle and all its citizens would be best served by concentrating on the few mentions changes and presenting them in a Home Rule Charter for the voters to decide.

Mr. Sheridan stated his decision tonight is not in favor of any particular changes to the government, but his decision will be how to proceed to study various changes to government. He would like to study a number of roles for a mayor and ways of appointing or electing the position. He stated the optional plans are limited and would move to studying home rule. Mr. Sheridan would also like to discuss term limits with the commission. He agrees with the other commissioners on the subject of initiative and referendums. He also feels the tax collector is the reason that brought about the commission. He is strongly inclined to let council decided what to do about the tax collector. Also, there should be more flexibility in purchasing and contracting. In regard to the financial impact, all actions taken by the commission should be looked at for potential cost savings resulting from the action. He is advocating that the commission step into the Home Rule Charter and deliberate the changes. Then take the changes to the electorate.

Mr. Wilson he thinks it is in the best interest of Carlisle to pursue a Home Rule Charter because of its flexibility to shape and customize a municipal government. His view ~~of~~ is that the mayor's present role overseeing the police department is outdated. One possible alternative would be to place the mayor within the council with a voting right. This would bring together the mayor and the president ~~and~~ in one council position. The Mayor would continue to be elected at large as the Mayor and continue to be the ceremonial representative. He thinks the police department and the police chief could be placed under the supervision of a trained borough manager. These changes would eliminate a position, improve accountability, and improve lines of communication between the mayor and the council as well as the council and the borough manager. He stated if the Mayor is embedded within the council this would give more focused political leadership. These changes would require a charter or an optional form of government. He thinks there are more disadvantages to elections by wards and would like additional information on wards vs. at large voting. For elected officials, Mr. Wilson would recommend back to back four (4) year term limits with the option to run again after a term off, which would require a home rule charter. He advocates for citizens right to petition with guidelines to guard against frivolous actions, and stated this would also require a home rule charter. Regarding the position of the tax collector, he noted that it seems sensible to place the decision to elect or appoint under the council. In regards to ethics, he feels they are necessary but is an item to be drafted by the council. He concluded, in order to change the issues addressed he recommended writing a Home Rule Charter.

Mr. Winston stated he does not advocate the optional forms of government because of their rigidity. He noted the current borough government structure is outdated. The oversight of the police should be by a trained professional manager. He feels the mayor should be an elected

position that would serve as a member of a seven member council. The mayor would be the spokesperson for the borough and would be directly involved with the process of government. In regard to the election procedures this should be the decision made by the council. He would like to learn more about term limits for council. Mr. Winston feels citizen initiatives and referendums are crucial but limits and frequency should be considered. He recommends that the position of tax collector be placed under the finance department to insure checks, accountability and peace of mind to the citizens of Carlisle. He would not recommend having council have the option to decide if a tax collector should be elected or appointed. One method should be written into the charter to prevent future councils from changing back and forth from in house to elected tax collected. He feels there is a need to look into possible changes to the current borough requirements for the process for purchasing, contracts, professional services and advertising. Mr. Winston agrees that ethics are good but leave to council to write with a possible mandate to have a code written. The financial impact for change should be revenue neutral and with significant savings to the borough. He recommends moving forward and right a Home Rule Charter.

Mr. Womack stated during the commission's research, the heard, "Don't make a big government or more complicated government." He thinks this commission understands that its citizens don't want more government; they want more effective and responsive government.

The Pennsylvania Department of Community and Economic Development publication on Home Rule states that,

"Twenty-seven years of experience has shown home rule to be neither a panacea nor a bane for local governments. Home rule has proven to be an effective tool for reorganizing local governments to increase effectiveness and citizen participation and has enabled a modest local initiative in procedural and substantive matters."

Mr. Womack noted he tried to let this guide his decision on how to proceed as he listened to, and looked at, the substantial amount of input received. He stated his position on the key issues. In regard to the Mayor, he sensed that most people are satisfied with how the mayor is elected; comments were received that the mayor should have more responsibility and authority; the issue of the mayor's role and authority with respect to the police department had arisen quite often in the discussions. He is concerned that the procedures in the current borough code are not the procedures consistently being used now and that they need to be better defined. The issue of election procedures could be addressed through the current borough code. However, hearing inputs, and hearing this directly at one of the community organization meetings that he attended, that all citizens would be better represented through election by wards or a combination of wards and at-large election. He does not believe this issue, in and of itself, would be sufficient to justify a Home Rule Charter; however; he believes this ties directly to the next issue, that of initiative/referendum. He strongly believes that citizens should have the right to petition for initiative and referendum. One of the primary focuses of government study commissions has been improving and expanding citizen access to local government. Mr. Womack feels the citizens of Carlisle deserve this access and would argue that this would be the best way for citizens to

determine if they want to change how to choose their elected representatives. He is conscious of the fact that any procedures for initiative and referendum should be constructed to avoid cursory and flippant changes or to interfere in business decisions of the governing body, to include the budget. He believes the need to address the tax collector is self-evident based on the recent history here as well as some of his experience with tax collectors in other municipalities. The current 2013 borough budget estimates approximately 4.2 Million Dollars to be collected from real estate tax. He thinks the borough needs more control over how that money is collected than is provided in the current borough code and to get this control requires a Home Rule Charter. He noted based on some of the information provided to the commission he believes changes to the procedures for borough acquisition, purchasing and contracts, which could be allowed under a home rule charter, could provide opportunities for modest savings to the borough and its taxpayers. He mentioned the council has the authority to adopt a code of ethics and is subject to other state mandated codes, he believes that requiring the council to adopt a specific code is something some citizens want to see. Finally, he noted at the outset, Home rule has proven to be an effective tool for reorganizing local governments to make government more efficient and effective. A home rule charter provides an opportunity to provide elected representatives and citizens with more tools to pursue efficient and effective government. He stated he is fairly confident that none of the optional forms of government will address the key issues of initiative/referendum or the election of a tax collector nor that they provide the flexibility to deal with some of the other key issues identified. For this reason he will support a decision to proceed with developing a Home Rule Charter.

A motion was made to proceed to write a Home Rule Charter. (Winston/Sacrison)

Mr. Womack clarified that writing a Home Rule Charter is not law, just a recommendation to the electorate for vote.

Public Comment

Ms. Jane Rigler, 127 South College, Carlisle, Pennsylvania questioned if the majority rules on the vote and does the chair of the commission vote.

Mr. Womack responded that majority rules and the chair will vote with the other members in a roll call vote.

Mr. Roger Spitz 421 E. North Street, Carlisle, Pennsylvania commented he was pleased with the comments from the commissioners. He feels election by wards is the only way to have representation for all citizens.

Mr. Lennon commented the council has the political authority to decide to vote by wards but noted they need to have the political will to do so.

Mr. Richard Heddleson 711 Hillside Drive, Carlisle, Pennsylvania thanked the commission the work they have put in this process. He asked if the commission will limit the proposed changes to the borough code to the key findings presented.

Mr. Sacrison commented the commission will welcome new ideas for discussion from the public.

Mr. Heddleson suggested having limits to the modification to the code.

Commissioner Sacrison noted the previous commission concentrated on a smaller number of issues. This commission will also concentrate on a small number of the key issues but does not want to limit any comments in the event a new idea would be presented.

Mr. Lennon commented the approach to writing a home rule charter should be to hit the essentials issues.

Mr. Winston commented there are varied opinions as to how the commission will move forward on the issues. He feels this will provide checks to prevent too many changes being added in a charter.

Ms. Caren Senter, 525 Wilson Street, Carlisle, Pennsylvania asked how well the public will be able to interact with the commission when the issues are discussed.

Mr. Womack replied that the meetings will be open to the public and the commission will break into committees.

Mr. Wilson noted through some mechanism the commission will get the issues out the citizens via a newsletter or electronic source.

Ms. Betty Julias, 1009 Redwood Drive, Carlisle, Pennsylvania asked how many boroughs in Pennsylvania did not elect to adopt a Home Rule.

Mr. Womack responded that the Department of Community and Economic Development did not track municipalities that did not adopt home rule.

Mr. Berwick stated the boroughs that he studied amended the adopted Home Rule Charter if changes were needed.

Several Commissioners gave examples where boroughs amended home rule charters to better address home rule issues.

Mayor Kronenberg stated the citizens should be advised of what the committees will be discussing.

Mr. Womack noted the committee schedule will be published on the website.

Mr. Doug Weirich, 136 A Street, Carlisle Pennsylvania, suggested looking closely at voting by wards may help bring the public into the process.

Mr. Womack read a statement from DCED regarding meeting for a home rule commission.

“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 neighbor hoods. 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 turn out is usually disappointing.”

Mr. Womack closed the public comment.

A roll call vote was taken on the motion. The commissioners voted 9-0 to proceed to draft a Home Rule Charter.

The October 15, 2013 minutes were approved.

Mr. Sheridan who was present at the meeting via the telephone disconnected at 8:30 PM.

Mr. Womack asked commissioners to think about a time line for writing the charter.

The commissioners discussed how upcoming meetings should be scheduled and conducted This topic will be discussed at the next meeting.

Mr. Hughes recommended creating an email address to use for communications with the citizens.

Meeting was adjourned at 8:45 PM

Respectfully Submitted,

Joyce Stone
Borough Secretary