

## **MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Wednesday, March 16, 2016**

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The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 8:45 a.m. in 14 East Wing–Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

### **MEMBERS**

**Senator John H. Eichelberger, Jr., Chairman**  
**Senator Thomas J. McGarrigle**  
**Senator Scott E. Hutchinson**  
**Senator John P. Blake**  
**Representative Chris Ross**  
**Representative Mauree Gingrich**  
**Representative Kate Harper**  
**Representative Robert L. Freeman**  
**Representative Mary Jo Daley**

### **STAFF**

**Philip H. Klotz, Executive Director**  
**David A. Greene, Assistant Director-Legal Counsel**  
**Kris Gazsi, Associate Legal Counsel**  
**Karen S. Bear, Secretary**

### **GUESTS**

**Lee Derr, Senator Eichelberger's Office**  
**Justin Leventry, Senator Hutchinson's Office**  
**Nathan Akers, Senator Hutchinson's Office**  
**Brianna Medevich, Representative Freeman's Office**  
**Rob Gaertner, House Local Government Committee (R)**  
**Ashley Sheaffer, House Local Government Committee (R)**  
**Ed Troxell, Pennsylvania State Association of Boroughs**  
**Ron Grutza, Pennsylvania State Association of Boroughs**  
**Elam Herr, Pennsylvania State Association of Township Supervisors**

As the first order of business, the Commission resolved itself into executive session to discuss a personnel matter regarding the performance evaluation of the Executive Director. The Commission reconvened the public meeting at 9:00 a.m. and on a motion by Representative Ross and a second by Senator McGarrigle, the Members gave Philip Klotz a highly satisfactory evaluation performance and extended his tenure as Executive Director for another year. The Commission Members also agreed to defer discussion of a merit increase for the Executive Director until April 2016 or when the 2015-2016 budget is settled, whichever occurs first. The Members' appointment of Philip Klotz as Executive Director of the Local Government Commission was effective June 1, 2015.

The Members discussed the minutes of the January 27, 2016, business meeting, which were unanimously approved on a motion by Senator McGarrigle and a second by Senator Hutchinson.

## **MEETING OF THE LOCAL GOVERNMENT COMMISSION**

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Page 2 – March 16, 2016

The financial reports for the months of January and February 2016 were presented, and a detailed explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Ross and a second by Senator McGarrigle. It was noted by the Executive Director that the \$100,000 borrowed from the Commission's Code Account in September 2015 has been replenished. On September 30, 2015, the Members unanimously approved to borrow \$100,000 from the Commission Code Account and transfer the monies to the Commission's General Account so that payroll and other expenses could be satisfied until the 2015-2016 State budget was approved.

The Pennsylvania State Association of Elected County Officials had no business to come before the Members.

The Members reviewed the Commission's first quarterly legal update prior to its submission to all Members of the General Assembly and interested parties. The quarterly legal update is written by Commission Assistant Director/Legal Counsel David Greene with assistance from Commission staff members Kris Gazsi, Associate Legal Counsel, and Danette Magee, Research Associate. The update will highlight recent court cases and any newly introduced legislation involving municipal governments. The first quarterly update will be circulated electronically in approximately two weeks.

The Executive Director reported that the kick-off meeting for the recodification of the First Class Township Code occurred on Tuesday, March 1, 2016, at the offices of the Pennsylvania Municipal League (PML). At that meeting, six articles were reviewed and future meeting dates and times were established. Commission Associate Legal Counsel Wanda Sander has been appointed as project manager.

At the January 27, 2016, business meeting, the Members inquired as to the prospect of having the new Title 11 (Third Class City Code) of the Pennsylvania Consolidated Statutes (Pa.C.S.) disseminated to all third class cities electronically to save valuable financial resources. The Executive Director was directed to contact the Legislative Reference Bureau (LRB) and inquire as to that possibility. The Executive Director reported that he met with Vince DeLiberato, Executive Director of the LRB, at which time Mr. DeLiberato stated he would honor the Commission's request by providing the Commission with a PDF file of Title 11 to be disbursed electronically to all third class cities. The Executive Director reported that the PDF file will contain all of the elements found in a hard copy version of Title 11, including the table of contents and index. The Commission is coordinating with Amy Sturges of the PML to electronically mail Title 11 to all third class cities. Included with the PDF file will be a memorandum from the Commission to all third class city clerks, managers and administrators explaining that the Third Class City Code has been recodified and is now in Title 11 of the Pa.C.S. The memorandum also suggests that the city clerks distribute the PDF file with the memorandum to the mayor, members of council, treasurer, controller and solicitor. The communication will also include directions on how to access Title 11 electronically and methods by which one may obtain hard copies of Title 11 from either the Legislative Reference Bureau (LRB) and/or the Commonwealth's online bookstore at [www.shoppaheritage.com](http://www.shoppaheritage.com). The memorandum and the PDF file of Title 11 will be electronically sent on March 31, 2016, and be placed on the Commission's website at [www.lgc.state.pa.us](http://www.lgc.state.pa.us).

As discussed at the January 27, 2016, business meeting, the Department of General Services (DGS) Warehouse and Distribution Division Services invoice in the amount of \$2,629 for fiscal year 2015 for warehouse storage and distribution service the Commission utilizes for its

**MEETING OF THE LOCAL GOVERNMENT COMMISSION**

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Page 3 – March 16, 2016

supply of municipal code books and supplements was deemed unacceptable by the Executive Director. The invoice reflected an increase of approximately \$900 from the prior year's invoice, which was \$1,772. The increase was due to DGS having modified its shared-cost distribution billing model so that if a client no longer uses the space and service of the DGS Warehouse, the cost of that unused space and service is then redistributed among the other clients. As a result of the escalated invoice, the Executive Director stated that he would pursue alternative locations in which to store the Commission's municipal code book/supplement inventory. The Members were advised by the Executive Director at today's meeting that storage space is available next to the Commission's suite of offices located in the Forum Place Building. A copy of the contract was given to all of the Members for their perusal. The contract would entail leasing storage space of 144 square feet for the sum of \$96.00 per month commencing June 1, 2016, for a \$1,477 or 56 percent annual savings from the recent invoice. The month-to-month lease requires a 60 day written notice to terminate the use of the storage space. Notice to terminate may be given at any time during the term of the lease. The Members unanimously agreed on a motion by Senator Blake and a second by Representative Ross to authorize the Executive Director to execute the lease agreement for storage space at the Forum Place Building and present the required 60 day written notice of lease agreement termination to DGS for the Commission's current warehouse storage space.

As the last order of business, the Executive Director reported to the Members that on Friday, March 18, 2016, he would be interviewing a law student for a nonpaid summer internship position with the Commission. The second year Widener School of Law student was recommended by Vince DeLiberato, Executive Director of the LRB. During the summer, the intern would help Commission staff update the *Pennsylvania Legislator's Municipal Deskbook* and finalize the recodification of the County Code.

The meeting adjourned at 9:17 a.m.

ATTESTED: \_\_\_\_\_  
March 24, 2016