

Chapter 32
OFFICERS AND EMPLOYEES

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[HISTORY: Adopted by the Council of the Borough of Berwick as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 52.

ARTICLE I
Auditor
[Adopted 1-12-1970 as Ch. 12 of the 1970 Code]

§ 32-1. Appointment.

Pursuant to the provisions of Clause VII of Section 1005 of the Act of May 4, 1927 (P.L. 519), known as the "Borough Code," reenacted and amended July 10, 1947 (P.L. 1621), and amended July 12, 1961 (P.L. 532), and further amended July 3, 1963 (P.L. 194),¹ the Borough of Berwick hereby authorizes and provides for the appointment of a Borough Auditor for the fiscal year beginning January 1, 1966, and for each fiscal year thereafter, who shall be a certified public accountant, a firm of certified public accountants, a competent independent public accountant or a firm of independent public accountants.

§ 32-2. Powers.

Said Auditor shall have all the powers and be subject to all the duties provided in said Act, as amended.

¹ Editor's Note: See 53 P.S. § 46005.

ARTICLE II

Manager**[Adopted 2-1-1993 by Ord. No. 93-2]****§ 32-3. Appointment; removal.**

The Manager shall be appointed for an indefinite term by a majority of all members of the Council of the Borough of Berwick. The Manager shall serve at the pleasure of the Council of the Borough of Berwick, and he may be removed at any time by a majority vote of all its members.

§ 32-4. Qualifications; residency requirements.

The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Borough of Berwick or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he may reside outside the Borough of Berwick only with the approval of the Council of the Borough of Berwick. If the Council of the Borough of Berwick fails within a reasonable time, not to exceed 60 days after the appointment, to approve the Manager's residence outside the Borough of Berwick, he must immediately become, and during his tenure remain, a resident of the Borough of Berwick.

§ 32-5. Bond.

Before entering upon his duties, the Manager shall give a bond, in the sum established annually pursuant to a resolution of the Council of the Borough of Berwick, with a bonding company as surety, to be approved by the Council of the Borough of Berwick, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by the Borough of Berwick.

§ 32-6. Compensation.

The salary of the Borough of Berwick Manager shall be fixed from time to time by the Council of the Borough of Berwick by resolution of said Council.

§ 32-7. Powers and duties.

The Manager shall be the Chief Administrative Officer of the Borough of Berwick and shall be responsible to the Council of the Borough of Berwick as a whole for the proper and efficient administration of the affairs of the Borough of Berwick placed in his charge. The powers and duties for administration of all Borough of Berwick business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Borough of Berwick officers. Subject to recall by ordinance, the powers and duties of the Borough of Berwick Manager shall include the following:

A. Administration and government. The Borough Manager shall:

- (1) Supervise and be responsible for the activities of all municipal departments.

- (2) Hire and, when necessary for the good of the Borough of Berwick, suspend or discharge any employee under his supervision, provided that persons covered by the civil service provisions of the Borough of Berwick Code shall be hired, suspended or discharged in accordance with such provisions, and provided further that the Manager shall report, at the next meeting thereafter of the Council of the Borough of Berwick, any action taken by authority of this subsection; it is expressly understood and agreed that notwithstanding any other provision of this Article, department heads of the Borough of Berwick, including Police Chief, superintendent of the sewage treatment plant, superintendent of highways, codes officer, health officer and recycling officer, shall be hired, suspended or discharged only by vote of the Council of the Borough of Berwick after consultation with the Borough Manager.
- (3) Prepare and submit to the Council of the Borough of Berwick a budget for the next fiscal year and an explanatory budget message, in such a timely fashion as will enable the Council of the Borough of Berwick to consider and adopt the budget and related tax ordinances according to the requirements of law. In preparing the budget, the Manager or an officer designated by him shall obtain from the head of each department, agency or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to the Council of the Borough of Berwick. The Borough Manager shall submit to the Council of the Borough of Berwick a preliminary budget by October 31 of each year.
- (4) Be responsible for the administration of the budget after its adoption by the Council of the Borough of Berwick.
- (5) Develop, in conjunction with the preparation of the budget, long-range fiscal plans for the Borough of Berwick, such plans to be presented annually to the Council of the Borough of Berwick for its review and adoption.
- (6) Hold such other Borough of Berwick offices and head such Borough of Berwick departments as the Council of the Borough of Berwick may from time to time direct.
- (7) Attend all meetings of the Council of the Borough of Berwick and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of the Council of the Borough of Berwick and its committees.
- (8) Prepare the agenda for each meeting of the Council of the Borough of Berwick and supply facts pertinent thereto.
- (9) Keep the Council of the Borough of Berwick informed as to the conduct of Borough of Berwick affairs; submit periodic reports on the condition of the Borough of Berwick finances and such other reports as the Council of the Borough of Berwick requests; and make such recommendations to the Council of the Borough of Berwick as deemed advisable.
- (10) Submit to the Council of the Borough of Berwick, as soon as possible after the close of the fiscal year, a complete report on the finances and administrative activities of the Council of the Borough of Berwick as well as the for the Borough of Berwick for the preceding year.

- (11) See that the provisions of all franchises, leases, permits and privileges granted by the Council of the Borough of Berwick are observed.
- (12) Employ, by and with the approval of the Council of the Borough of Berwick, experts and consultants to perform work and to advise.
- (13) Call special meetings of the Council.
- (14) Attend to the letting of contracts in due form of law. The Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon some other Borough of Berwick officer.
- (15) Be responsible for all accounts payable and receivable.
- (16) Serve as Purchasing Officer of the Borough of Berwick and purchase, in accordance with the provisions of the Borough of Berwick Code, all supplies and equipment for the agencies, boards, departments and other offices of the Borough of Berwick. The Manager shall keep an account of all purchases and shall, from time to time or when directed by the Council of the Borough of Berwick, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of the Council of the Borough of Berwick, governing the procurement of all municipal supplies and equipment. The Borough Manager shall have full power to approve all purchase orders in amounts of less than \$3,000 for supplies and equipment for the use of his own office and for all other departments of the Borough of Berwick. In addition, he shall have full power to pay any and all authorized expenses incurred by the Borough of Berwick up to \$3,000 without any prior authorization of Borough Council to do so.
- (17) Investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Borough of Berwick services and personnel, and to report to the Council of the Borough of Berwick thereon. All complaints regarding Borough of Berwick services shall be referred to the office of Manager.
- (18) Enforce the ordinances and regulations of the Borough of Berwick.
- (19) Consult with employees and professionals hired by the Borough of Berwick.
- (20) Become familiar with federal and state funding regulations and programs and report to the Council periodically on the availability of programs in the form of grants and/or loans with a recommendation as to projects for which the borough might qualify.
- (21) Handle all correspondence on behalf of the Borough of Berwick.
- (22) Oversee all construction projects in cooperation with other qualified employees of the Borough of Berwick.
- (23) Supervise the maintenance of streets, sewers and other borough property.
- (24) Supervise the operation and maintenance of borough municipal utilities and authorities.
- (25) Maintain public relations by newspaper releases, personal contact with the citizens, handling complaints, addressing civil groups and issuing an annual Manager's report.
- (26) Maintain all borough accounts and financial records.

- (27) Perform such other duties as may from time to time be delegated to the Borough Manager by the Council.

§ 32-8. Procedural limitations on Borough Council.

The Council of the Borough of Berwick, its members and its committee shall not dictate or influence, or attempt to dictate or influence, the hiring of any person to, or his discharge from, municipal employment by the Manager, or in any manner take part in this hiring, suspending or discharging of employees in the administrative service of the Borough of Berwick, except as required by the civil service provisions of the Borough of Berwick Code or the provisions of the local agency of law. Other than for the purposes of inquiry, the Council of the Borough of Berwick or any of its members, or any of the Borough of Berwick committees or its members, shall deal with the administrative service solely through the Manager, and the Council of the Borough of Berwick or any of its members, the Borough of Berwick committees or its members shall not give orders, publicly or privately, to any subordinate of the Manager.

§ 32-9. Disability or absence.

If the Manager becomes ill or needs to be absent from the Borough of Berwick, he shall designate one qualified member of his staff to perform the duties of the Manager during his absence or disability. The person so designated shall not perform these duties for a period longer than two weeks without the approval of the Council of the Borough of Berwick.

ARTICLE III

Secretary/Treasurer

[Adopted 1-12-1970 as Ch. 77 of the 1970 Code]

§ 32-10. Appointment authorized.

Pursuant to the provision of the Acts of Assembly in such cases made and provided, the Borough Council of the Borough of Berwick is hereby authorized to appoint the same person as Secretary and as Treasurer of the Borough of Berwick.

§ 32-11. Bond.

In the event that the borough elects to appoint the same person as Secretary and as Treasurer, he shall give bond, with surety, in the amount of \$30,000 for the faithful performance of the duties of both offices.