

ORDINANCE 1529

AN ORDINANCE OF THE BOROUGH OF GREENVILLE, MERCER COUNTY, PENNSYLVANIA ADOPTING THE RECOVERY PLAN AMENDMENT FOR THE BOROUGH OF GREENVILLE AS PREPARED BY THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND THE COMMONWEALTH OF PENNSYLVANIA'S DULY APPOINTED COORDINATOR, MARY JANE KUFFNER HIRT, PH.D., SAID REVISED PLAN AS AUTHORIZED BY THE FINANCIALLY DISTRESSED MUNICIPALITIES ACT, ACT 47 OF 1987, AND TO DO ALL THINGS AND TO TAKE ALL NECESSARY ACTION IN CONNECTION THEREWITH.

WHEREAS, upon Petition duly filed with the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (hereinafter "Department") pursuant to the Financially Distressed Municipalities Act, Act 47 of 1987 (hereinafter "Act"), the Borough of Greenville on May 8, 2002, was declared a financially distressed municipality; and

WHEREAS, Act 47 of 1987, the Financially Distressed Municipality Act, provided that a Plan Coordinator be appointed for distressed municipalities and that a Recovery Plan be prepared by the Coordinator; and

WHEREAS, Resource Development and Management, Inc. was appointed as the Plan Coordinator (hereinafter "Coordinator"); and

WHEREAS, the Coordinator prepared in accordance with Act 47 the Recovery Plan, and on December 27, 2002, submitted same to the Borough of Greenville for its adoption; and

WHEREAS, the Borough of Greenville adopted the Act 47 Recovery Plan on January 9, 2003; and

WHEREAS, on August 1, 2006, Mary Jane Kuffner Hirt, Ph.D., was appointed as the new ACT 47 Plan Coordinator(hereinafter "New Coordinator"); and

WHEREAS, the Coordinator and the Department have requested revisions to the December 27, 2002 Plan; and

WHEREAS, the New Coordinator and the Borough made revisions to the plan and the Borough of Greenville adopted the "Revised Recovery Plan" on September 18, 2008; and

WHEREAS, the New Coordinator and the Borough made amendments to the plan and the Borough of Greenville adopted the "Recover Plan Amendment" on June 14, 2011; and

WHEREAS, the New Coordinator and the Borough made amendments to the plan and the Borough of Greenville adopted the "Recover Plan Amendment" on September 28, 2011; and

WHEREAS, the Borough of Greenville has determined that it is in its best interest to adopt Recovery Plan Amendments dated November 4, 2013 at this time.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH OF GREENVILLE, COUNTY OF MERCER, AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME AS FOLLOWS:**

**SECTION 1.** The Council of the Borough of Greenville hereby adopts and approves the implementation of the Recovery Plan Amendments of the Borough of Greenville as prepared and submitted by the New Coordinator, including subsequent amendments thereto, if any, pursuant to Section 245 of Act 47 of 1987, as amended. Attached as Appendix A.

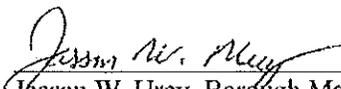
**SECTION 2.** The Borough Manager and Borough Solicitor are hereby authorized to prepare for adoption any necessary related ordinances or resolutions and revisions to ordinances or resolutions to implement the Revised Municipal Recovery Plan.

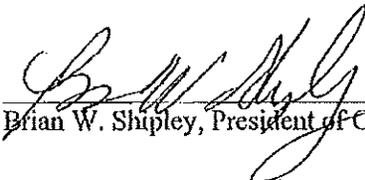
**SECTION 3.** In the event that any provision, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, and the remaining shall remain in full force and effect.

**SECTION 4.** All Ordinances or parts of Ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict hereby.

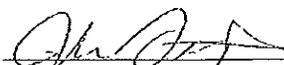
**ENACTED AND ORDAINED** this 26th day of November 2013.

Attest:

  
Jason W. Urey, Borough Manager

  
Brian W. Shipley, President of Council

Examined and approved by me this  
26<sup>th</sup> day of November 2013.

  
Joshua D. Stephens, Mayor

Appendix A

**GREENVILLE BOROUGH  
Act 47 RECOVERY PLAN AMENDMENT  
RECOMMENDATIONS PRESENTED ON NOVEMBER 4, 2013  
AND ADOPTED NOVEMBER 26, 2013**

**GENERAL GOVERNMENT**

1. The borough shall continue to foster collaborative relations as well as participate in discussions with adjacent municipalities to consider the long-term recommendation of boundary change, and if interest is shown by other municipalities, undertake a feasibility study to consider the merits of boundary change.
2. The borough shall annually devote time to arrive at a common set of borough goals and objectives. The meetings should be used to facilitate public opinion from all sectors of the community, as well as the region, to arrive at common goals. These annual meetings should be held prior to the adoption of the municipality's budget.
3. Despite the fact that the meetings should be annual, the focus of the goals and objectives should be long-range and create a vision for the municipality to work toward. These commonly arrived at goals and objectives would be useful for the elected and appointed officials in developing municipal policies and plans.
4. The borough should apply for funding to DCED to study various intergovernmental/regional initiatives identified throughout this recovery plan.
5. By the end of 2009, Borough Council shall with the assistance of the Act 47 Coordinator identify the advantages and disadvantages of adopting a home rule or optional plan of government to replace the existing borough structure. Should council determine that a change would be appropriate, it should take the steps stipulated in Act 62 to initiate the change process.
6. The borough should investigate the potential for functional consolidation with surrounding local governments for police, fire, and public works services.
7. Greenville Borough should work to meet as well as maintain all of the standards set forth for general municipal management over the next three years.
8. The Borough of Greenville has not updated its industrial appraisal since the mid-1990s. To assure that the borough has adequate insurance coverage and is in compliance with GASB requirements, the borough shall seek proposals to update its industrial appraisal within the first six months of 2014.

9. The Borough of Greenville shall work toward self-sufficiency by 2016 and the removal by the Secretary of the Department of Community and Economic Development (DCED) of the Act 47 designation by 2017.
10. Greenville Borough Council shall set priorities for the implementation of the revised recovery plan for the remainder of 2013 and each year thereafter until it meets the criteria for the removal of the Act 47 designation by the DCED. Once the priorities have been identified, a project/action implementation plan/schedule shall be developed in conjunction with the Act 47 Coordinator to assess the borough's progress in addressing the revised recovery plan recommendations. The project implementation plan shall identify a time line, benchmarks and responsibilities for each project. Annual progress reports shall be presented and discussed with council.
11. Greenville Borough Council shall develop a strategy to effectively and consistently communicate with borough residents through the use of the community's website, inserts in utility bills, community newsletter, etc., as well as schedule semi-annual town hall meetings to foster public participation in the discussion of on-going community issues.
12. The Borough of Greenville should provide leadership and managerial training opportunities to those who serve in supervisory roles in all departments in addition to training necessary to meet and maintain technical training and certification requirements.

#### **FINANCIAL MANAGEMENT**

13. The police and fire department inspectors shall periodically check establishments to ensure total mechanical devices fees paid match the number of machines on site.
14. The borough shall increase the annual pole tax to \$50 per mile.
15. The borough shall investigate investment options, for the sewer reserve capacity checking and PLGIT accounts, to optimize investment earnings. Sewage reserve funds may be included in the RFP for banking services.
16. The following funds shall be maintained: General Fund; special funds for airport, capital improvements, liquid fuels; an Enterprise Fund for sewer; and a Fiduciary Fund for pensions.
17. The borough shall pursue a one time tax and fee amnesty program for all 511 taxes and fees owed to the borough. This program should remain in effect for a period not to exceed 60 calendar days and Council should authorize exonerations of all penalties and interest charges assessed for a specified time period as an incentive for payment.
18. To improve cash management of the borough, the real estate tax collector shall remit tax deposits on a bi-weekly instead of monthly basis. During discount and face periods, deposits should be made weekly. Reporting related to collections and deposits need only continue on a monthly basis. Electronic transfer of funds on a daily basis and the use of a lock box to receive payments should be implemented prior to real estate tax collections for 2015.

19. The borough shall begin discussions with the school district relative to parcels designated for sheriff sale to formulate an agreement to share in the cost of any upcoming sales due to the fact that both taxing bodies will benefit.
20. The borough shall investigate the options available through redevelopment authorities to move severely delinquent parcels back onto the tax rolls.
21. Collection procedures and tax remittance procedures shall be reviewed annually in order to provide for a more efficient process of collecting and remitting taxes to the respective taxing bodies.
22. The borough shall become more active in monitoring the collections pertaining to EIT to ensure increased collection rates and improved cash flow.
23. The borough shall share all survey and tax information with the EIT collector. This shall include, but not be limited to, business surveys; occupation and per capita tax records; deed transfers; water and sewage billings; and any other relevant tax information that may be of assistance in expanding the data base. Individual privacy rights shall be observed in the implementation of this recommendation.
24. It shall be the policy of the borough that the building inspector, code enforcement officer and fire chief share any inspections with the tax assessor that would provide information of new businesses operating in the borough.
25. The borough shall develop an internship program through the Local Government Academy or Thiel College to utilize students to conduct a survey of businesses located and operating in the borough.
26. The borough shall propose to the county and school district as to the feasibility of combining all three per capita tax bills on one bill, and proportionally allocating the total cost of collection among the three taxing bodies. So as to coincide with the school districts fiscal year, the borough and county would have to delay billing of their portion of the per capita tax until after July 1 of each year. The interest income lost on the revenues that would have been received earlier in the year would be more than offset by the savings in billing costs for all taxing bodies.
27. Borough Council at the earliest opportunity possible shall issue an RFP for auditing services.
28. For each departmental expenditure area of the budget, the department heads shall present a commentary to substantiate their expenditure requests. The substantiation shall conform to a prescribed format developed by the Borough Manager and shall include a statement of need, the volume and nature of work to be performed, supporting data for estimated costs, and a statement of benefits to be achieved (Standards for Effective Local Government, The Municipal Budget: The Process, Standard No. 5).
29. Greenville Borough shall make major improvements to their budgeting process and shall over the next several years begin to implement Government Finance Officers Association (GFOA) recommended budget practices. A digital copy of the publication Recommended Budget Practices: A Framework for Improved State and Local Government Budgeting can be found online at <http://www.gfoa.org/services/nacslb/>.

30. Greenville Borough shall make substantial improvements to the adopted budget document based upon GFOA's four budget evaluation criteria (a policy document, a financial plan, an operations guide, and a communications device) which can be found online at <http://www.gfoa.org/forms/documents/BudgetCriteriaExplanations.pdf>
31. To facilitate revenue administration, the financial assistant in conjunction with the borough manager shall develop a annual calendar which references all dates for reporting to state and local agencies, indicates when all reimbursements should be requested, and indicates the expected due date for all recurring and non-recurring intergovernmental and external grants.
32. Collection rates for current year municipal real estate taxes are lower than the norm for municipal real estate taxes. According to the Standards for Effective Local Government, the collection rate should average between 95 and 98 percent (Standards for Effective Local Government, Financial Management, Revenue Collection, and Standard No. 6). Further study should be conducted to assess how to better improve the collection rate. The Recovery Plan of 2002 noted that the decline in the collection rate was not a function of the tax collection process.
33. A data base should be developed for a master housing and business directory as a means for maintaining tax rolls (Standards for Effective Local Government, Financial Management, Revenue Collection, Standard No. 2).
34. Real estate tax and utility rolls should be audited annually to ensure accuracy and completeness of the real estate tax rolls (Standards for Effective Local Government, Financial Management, Revenue Collection, Standard No. 3).
35. The Borough shall establish an annual verification program for selective audits of taxpayers' records, to substantiate their tax liabilities and tax payments (Standards for Effective Local Government, Financial Management, Revenue Collection, and Standard No. 4).
36. The Borough shall periodically review the state law concerning the interest and penalty which may be applied to delinquent tax and fee payments (Standards for Effective Local Government, Financial Management, Revenue Collection, and Standard No. 5).
37. Borough Council shall authorize the charge of the maximum allowable interest and penalty values on overdue accounts (Standards for Effective Local Government, Financial Management, Revenue Collection, and Standard No. 5).
38. Borough Council shall institute policies against the waiver of such charges by those who collect the revenues unless there is a formal grant of waiver by Council on a case-by-case basis (Standards for Effective Local Government, Financial Management, Revenue Collection, Standard No. 5).
39. The Borough shall continue to collect per capita tax while designated as distressed under Act 47. To repeal the per capita tax at this time would mean a loss of over \$100,000 in tax revenues over the next 10 years.

40. A review of the current and delinquent per capita billing and collection processes should be conducted to identify actions, such as an alternative to the current billing practice which may produce greater annual revenue yields.
41. Borough Council shall adopt a fund balance policy which designates how the year end general-operating fund balance will be allocated.
42. The financial management recommendations in any progress report will be designated into the following categories; Budget, Accounting, Internal Controls (Cash Management, Revenue Administration, Purchasing) and Auditing.
43. To increase the rate of current year real estate tax collections two actions have been identified. First, the borough shall consider advancing the annual tax collection calendar by one month with discount collections in March and April, face collections in May and June and penalty collections from July through December. Second, as per the Real Estate Tax Collections Report presented to Borough Council in November of 2010 a) Council shall implement a policy that would require the Borough's tax collector to transfer payments made in December to the Borough no later than 12:00 noon on the last business day in December for all real estate taxes collected during the month of December; b) Council shall implement a policy that would require the Treasurer to make deposit of the real estate taxes collected during the month of December prior to the close of business on the last business day in December; and c) Council shall implement a policy that would require the Borough's tax collector compile a Special Reminder Notice through a public listing. In an effort to collect unpaid real estate taxes prior to 12:00 noon on the last business day in December, the public listing of the Special Reminder Notice may be advertised in the newspaper as a public notice or Council may choose to send a second Reminder Notices to each property owner in December (Recommendation #65).
44. The borough shall takes steps to reduce its reliance on the court authorized resident earned income by reducing the resident earned income tax rate from 1.65% to 1.25% or less by 2015 [Recommendation #68]. The total revenue associated with this reduction is estimated to be \$375,000. The goal for reduction of the resident EIT rate for 2012 is 1.65% to 1.36% or less. The goal for reduction of the resident EIT rate for 2013 is 1.36% to 1.33 or less%. The goal for reduction of the resident EIT rate for 2014 is from 1.33% to 1.25 or less%.
45. The borough shall take steps to reduce its reliance on the 1.42% non-resident earned income tax levy from 1.42% to 1.16% or less by 2015 [Recommendation #69]. The total revenue associated with this reduction is approximately \$175,000. The goal for reduction of the non-resident EIT rate for 2012 is 1.42% to 1.23 or less%. The goal for reduction of the non-resident EIT rate for 2013 is 1.23% to 1.21 or less%. The goal for reduction of the non-resident EIT rate for 2014 is 1.21% to 1.16% or less .
46. For tax year 2015, as per the Real Estate Tax collections Report presented to Borough Council in November 2010, the Borough Manager and Real Estate Tax Collector shall research the feasibility of accepting debit and credit cards through Gov.Pay for receipt/payment of current year real taxes.
47. Beginning in 2015, as per the Real Estate Tax Collections Report presented to Borough Council in November of 2010, Council shall consider implementing an installment payment process for the payment of real estate tax bills.

48. Beginning in 2013, delinquency notices that conform to state rules and regulations shall be sent by the Borough's Real Estate Tax Collector in August of each year.
49. Beginning in 2014, as per the Real Estate Tax Collection Report (2010), the Borough shall track delinquent real estate tax collections to be used as a tool for budgeting purposes; and that the Borough shall use the collection rate trends (from the annual tracking of delinquent tax collections) to project the anticipated delinquent tax revenues for each year based upon the amounts remaining as uncollected at face plus penalty.
50. Beginning in 2012, as per the Real Estate Tax Collection Report (2010): Council shall direct staff to research the properties that are severely delinquent; and Council shall begin discussions with the County and School District to petition select properties for judicial sales.
51. Using the 2009 Real Estate Tax Exempt Study as a basis, the borough shall conduct an audit of tax exempt property and expand PILOT (payment in lieu of tax) payments. The audit shall consist of the examination of all exempt classified parcels. In addition, the borough shall annually send requests for donations or meet with organizational leaders in early January and shall link the cash payment and/or in-kind service requests to planned capital projects. The President of Council and Borough Manager shall lead the effort to expand the in lieu of tax payment program. Advice on effective strategies for increasing participation as well as negotiating PILOT payments will be sought from those associated with local governments where an active and effective PILOT programs exists.

#### **CAPITAL IMPROVEMENTS/INFRASTRUCTURE**

52. The borough should adopt a multi-year capital improvement plan for all its physical assets. This program should include a prioritization of infrastructure facilities and equipment needs, along with the identification of funding alternatives.
53. Working with the Act 47 coordinator the borough shall determine financing alternatives and time table for the capital improvements necessary to address the immediate and long-term issues surrounding the municipal building.
54. Current operating and capital financial decisions for the annual budget shall be based upon appropriate sections of the multi-year financial plan and the capital program (*Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No.3*).
55. As part of the capital programming procedures and the annual capital plan preparation, there shall be at least one public hearing at which the public can express its view on capital needs (*Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No.4*).
56. Decisions with respect to long-term borrowing or other means of capital financing shall be made in accordance with the Borough's financial plan/capital program (*Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No 5*).

57. Detailed schedules of debt service requirements shall be presented in the annual capital budget and shall be updated annually as part of the capital programming procedures. *(Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No.6).*
58. Bond maturity schedules shall be designed so that they do not exceed the expected life of the projects financed by such bonds *(Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No.7).*
59. Funds borrowed for longer than one year shall be used to finance capital projects and shall not be used to fund current operating expenses *(Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No.8).*
60. The replacement and maintenance of municipal equipment, vehicles or facilities shall be in accordance with a formal schedule or capital program. The formal schedule shall be used for planning and in preparing the annual operating budget *(Standards for Effective Local Government, Financial Management, Multi-Year Capital Improvements Planning, Standard No. 9).*

#### **INSURANCE**

61. The borough shall monitor all its physical assets to determine that insurance coverage is adequate and not duplicated, and to identify uninsured/underinsured assets for disposition.
62. In reviewing the application for this year's workers' compensation policy, it was noted that the borough has or has had a safety committee in place to review safety issues in the work place. The borough shall ensure that this committee continues to meet regularly to review potential safety concerns and implement recommendations to ensure a safe work environment.

#### **HUMAN RESOURCES MANAGEMENT/EMPLOYEE BENEFITS**

63. Management Rights: The borough shall have the right to determine the organizational structure and operation of each Department including, but not limited to, the right to determine and change job duties for each position, the right to determine and change schedules for each employee, and the right to assign work to any employee. Any provision in any collective bargaining agreement which is inconsistent with, or which interferes with, the rights of the Borough as set forth above, shall be eliminated to the extent of such inconsistency or interference, and the Borough's management rights, as set forth above, shall not be the subject of any grievance procedure or arbitration clause in any collective bargaining agreement between the Borough and any of its unions.
64. Elimination of Past Practices: Any provision or clause in any collective bargaining agreement which protects past practices, or any rights which are not specifically set forth in the collective bargaining agreements, shall be eliminated. The Unions shall be given the opportunity to identify and negotiate any specific practices or rights which they would like to preserve and have included in future collective bargaining agreements

65. **Paid Leave:** There shall be no increase or improvement in any form of paid leave. The scheduling of vacation, holidays, and personal days shall be balanced and evenly distributed throughout the year, in such a manner as to preclude the need for overtime. The borough shall adopt and strictly enforce an aggressive management/supervisory oversight policy covering all types of leave (sick, family, bereavement, etc.). This provision applies to all borough personnel.
66. **Regular Part-Time Employees:** The Borough shall have the right to hire regular part-time employees. Regular part-time employees shall be used or scheduled in such a fashion so as to virtually eliminate the need for non-emergency overtime within the borough. Regular part-time employees shall be part of the applicable bargaining unit, and regular part-time police and firefighters will be hired through Civil Service procedures. Regular part-time employees may be scheduled at any time. Regular part-time employees may be used to replace a full-time employee who is absent from work for any reason. In this regard, the borough shall have the right to change the schedules of regular part-time employees, for any reason, or to use regular part-time employees as "on call" replacements for full-time employees. The borough shall have the right, in its sole discretion, to determine the starting wages and job duties of regular part-time employees. Thereafter, regular part-time employees shall receive the same percentage increase to their hourly wage, if any, as full-time employees within the same bargaining unit. Qualified part-time employees shall be considered for full-time positions which the borough decides to fill through the job posting procedure. In cases of layoffs, all regular part-time employees within a job classification shall be laid off first, according to their reverse seniority, before full-time employees are laid off within the same job classification. Regular part-time employees shall not be eligible for any form of employee benefits or paid leave.
67. **Elimination of Subcontracting Clauses:** There shall be no provision in any collective bargaining agreement which prohibits or limits the right of the borough to subcontract any service, function, or activity.
68. **Duplication of Benefits:** Except as otherwise specifically required by law, any duplication of payment for sick leave, disability leave, workers' compensation, heart and lung benefits, paid leave, pension benefits, or regular pay shall be eliminated. All pension plans shall be amended to include a provision to offset pension benefits by the amount of social security disability benefits. Employees will be required to make an election concerning available benefits in order to avoid any duplication of benefits. There shall be no duplication of pension benefits and workers' compensation benefits. In accordance with Pennsylvania law, Act 57 of 1996, 77 P. S. §71, as amended, the amount of workers' compensation benefits paid to any employee shall be offset by the amount of pension benefits payable to the same employee. This provision shall apply to both bargaining unit and non-bargaining unit personnel.
69. **Sick Leave/Doctors Evaluation:** Any employee who is off work as a result of any illness or injury for more than three consecutive work days, or who exhibits a pattern of possible sick leave abuse shall be required to furnish, at the employee's expense, a doctor's certification concerning the nature of the illness or injury. In addition, the borough may, at its discretion, order an evaluation of the employee's condition by medical personnel of the borough's choosing at the borough's expense. This provision shall apply to all borough personnel.

70. Elimination of Minimum Manning: Any provision of any collective bargaining agreement between the borough and any of its unions concerning minimum manning requirements for any particular bargaining unit, shift, platoon, job classification, specialization, or position shall be eliminated. The borough shall have the sole right to determine the number of personnel employed and utilized by the borough. Further, the borough shall have the right to layoff any employees for economic or any other reasons, without limitation.
71. Light Duty: All future contracts shall have a provision for light duty in the event that an employee is injured on the job.
72. No new benefits or expansion of benefits, which have uncapped future costs, shall be permitted either for employees covered by collective bargaining agreements or unrepresented borough employees.
73. The borough shall structure a simple Section 125 Plan, offering a cash payment for individuals opting out of the group medical plan due to the fact they were able to secure coverage through their spouse.
74. The borough shall annually survey employees to ensure any dependents enrolled in the group health insurance plan are eligible for benefits. The borough shall annually survey employees to ensure any dependents enrolled in the group dental plan are eligible for benefits.
75. To limit bookkeeping on the part of the finance office, the borough shall enroll all COBRA individuals on a direct pay basis with the provider which at this time is the MEIT.
76. The borough shall include dental benefits in the Section 125 plan. If the employee elects to participate in the 125 plan and maintains dental coverage, the cost of said coverage shall be deducted from the monthly payment. The borough shall include vision benefits in the Section 125 plan. If the employee elects to participate in the 125 plan and maintains vision coverage the cost of said coverage shall be deducted from the monthly payment.
77. The borough should work to attain all of the standards associated with personnel management which were assessed as met, but ineffective or as not met in *Standards for Effective Local Government*. The standards are included as a reference in the section on human resource management.
78. Borough Council should formally adopt the job descriptions which are based on the job analysis completed in the fall of 2006. The job descriptions should be used to set goals and objectives and serve as a basis for the assessment of job performance on an annual basis for all full and part time employees. The job descriptions are in the appendix of the revised recovery plan.
79. The borough shall cross train employees where possible to utilize staff hours more effectively and efficiently.
80. The borough shall use professional assistance for labor negotiations. The borough shall retain an attorney with extensive experience in public employment labor relations for its collective bargaining activities beginning in 2011 for negotiations with the fire, police

and public service unions. The borough has previously used Campbell, Durant, Beatty, Palombo and Miller, PC. Whether the borough continues to use or chooses another labor counsel, it shall use qualified labor counsel for all contract negotiations. In addition to using the counsel for support in collective bargaining, the borough shall also use the counsel to review past practices that unnecessarily increase the cost of operations and are permissive subjects for bargaining.

The borough shall reinstitute its membership in the Pennsylvania League of Cities' Public Employer Labor Relations Advisory Service (PELRAS) in order to be eligible for reduced hourly rates for labor counsel. With the support of its labor counsel, the borough shall make every good faith effort to achieve negotiated labor agreements consistent with this plan.

81. The borough shall limit new contract enhancements. Unless, and only to the extent that, applicable law requires a change in any of the wages, benefits, terms, provisions or conditions enumerated herein, all new labor agreements between the city and the unions representing its employees (whether resulting from collective bargaining between the parties or interest arbitration pursuant to Act 111 as applicable or otherwise) covering calendar years 2012 through 2015 and subsequent years (or any part thereof) must not contain, require or provide for any of the following:
- a. any new overtime or premium pay benefits or requirements;
  - b. any increase in existing overtime or premium pay benefits or requirements, nor the continuation of existing overtime and premium pay benefits and requirements which are modified by this Recovery Plan Amendment;
  - c. any increase in pay or benefits associated with new duties, changes in duties or activities required by this Recovery Plan Amendment;
  - d. any new benefits or improvements in existing benefits, nor the continuation of existing benefits which are modified by this Recovery Plan Amendment;
  - e. any new paid or unpaid leave;
  - f. any improvements to existing paid or unpaid leaves, nor the continuation of existing paid and unpaid leaves which are modified by this Recovery Plan Amendment;
  - g. any additional pay for time not worked;
  - h. any improvements in existing pay for time not worked, nor the continuation of existing pay for time not worked which is modified by this Recovery Plan Amendment;
  - i. any new designations that time not worked counts as time worked for the purpose of computing overtime or premium pay or increases in existing designations of same, nor the continuation of designations that time not worked counts as time worked for the purpose of computing overtime or premium pay which are modified by this Recovery Plan Amendment;
  - j. any new benefits for retirees or other inactive employees (e.g., those in layoff or disability status);
  - k. any improvements in existing benefits for retirees or other inactive employees, nor the continuation of existing benefits that are modified by this Recovery Plan Amendment;
  - l. any term or provision which continues any existing restrictions or which adds any new or additional restrictions on the borough's management rights,

- m. any provision which impairs or restricts the borough's ability to engage qualified contractors to perform services for the borough, including services currently provided by bargaining unit personnel;
- n. any provision which impairs or restricts the borough's ability to transfer service provision to another entity, including services currently provided by bargaining unit personnel;
- o. any provision which restricts or impairs the borough's ability to effect lay off or other reduction in its workforce, including those that require part-time employees be laid off before any reductions in full time personnel can be made;
- p. any provision which expands any arbitrator's authority to grant relief in any arbitration proceeding;
- q. any provision which obligates the borough to promote or assign or to permit bumping of any employee on the basis of seniority, rather than on the basis of qualifications and performance, except to the extent that preference is accorded the most senior of those employees having relatively equal qualifications and performance histories;
- r. any provision which restricts the borough's ability to require an employee to work a "light duty" position within that employee's medical restrictions, and in any department or bargaining unit within the borough;
- s. any provision obligating the borough to provide "light duty" to any employee who is unable to perform the essential functions of his or her job, with or without reasonable accommodation and without posing a direct threat to the health or safety of the employee or others;
- t. any provision which expands the bargaining unit employees' rights to present grievances to the borough or to appeal grievances to arbitration;
- u. any provisions which provide any pay or other compensation to any employee for: 1) any exercise by the borough of any of the above rights; or 2) the inclusion of any of the above provisions in any collective bargaining agreement; or 3) the implementation of any of the above provisions; or 4) the implementation of any of the initiatives in this Recovery Plan Amendment;
- v. any requirement for the borough to provide wages, benefits, or other terms of employment to any bargaining unit based on the provision of such wages, benefits, or other terms of employment to another bargaining unit.

82. The borough shall ensure that future collective bargaining agreements remain compliant with the Revised Recovery Plan and its Amendment(s).

No person or entity, including (without limitation) the borough, any union representing borough employees and any arbitrator pursuant to Act 111 or otherwise, shall continue in effect past the state expiration date of any current labor agreement the wages, benefits or other terms and conditions of the existing labor agreement if such wages and benefits or other terms or conditions are inconsistent with the initiatives made herein.

All collective bargaining agreements, interest arbitration awards, settlements, memoranda and agreements of any kind issued or entered into after the adoption of the Recovery Plan Amendment must be effective as of the current expiration date of the current agreements and interest arbitration awards. This shall apply even if the agreement is entered into or the arbitration award is executed subsequent to the effective dates, thus requiring that the

agreements or awards retroactive. No collective bargaining agreements, interest arbitration awards, settlements, memoranda and agreements of any kind issued or entered into after the adoption of the Recovery Plan Amendment may extend the current expiration dates of the existing agreements and awards. Specifically, these dates are as follows:

| Union Agreement  | Current Expiration Date  | Effective Date of Subsequent Agreement |
|--|--------------------------|--|
| Greenville/West Salem Police Department  | December 31, <u>2015</u> | January 1, <u>2016</u>                 |
| American Federation of State, County and Municipal Employees, AFL-CIO, District Council 85, Local 2778 | December 31, <u>2015</u> | January 1, <u>2016</u>                 |
| Greenville Borough Firefighters, IAFF Local 1976   | December 31, <u>2015</u> | January 1, <u>2016</u>                 |

The borough shall take all steps to promptly bargain new collective bargaining agreements and shall follow all time limits for interest arbitration so that any interest award shall be issued prior to the expiration of the collective bargaining agreement. Until the initiatives in this section of the Recovery Plan Amendment are revised, any labor agreement between the borough and any union representing borough employees (whether resulting from collective bargaining, interest arbitration pursuant to Act 111 or otherwise) covering such subsequent period shall comply with the initiatives made herein without regard to the period of agreement specified in any initiative.

83. Effective 1/1/2012, implement a three-year wage and step freeze for all full and part time union and non-union employees.
84. Effective 1/1/2012, establish a permanent two-tier wage/salary scale for all new part time and full time employees with a 10% wage/salary differential for all job classifications.
85. Effective 1/1/2012, freeze longevity pay and eligibility for longevity payments. -- Longevity payment schedules are frozen for all full time employees at the years of service and rates stipulated in the collective bargaining agreements for years 2009 – 2011. Those hired after 1/1/2012 shall not be entitled to a longevity payment for the duration of their employment.
86. For employees who actually work holidays, holiday pay will be no greater than time and one-half the normal rates of compensation for their respective positions.
87. Overtime pay thresholds for all personnel to be adjusted to reflect hours actually worked.
88. Freeze vacation leave for existing employees. Create uniform vacation schedule for new hires effective 1/1/2012 with four weeks (20 days) being the maximum vacation benefit for those with 16 or more years of service. (1 – 5 years = 1 week, 6 – 10 years = 2 weeks, 11 – 15 years = 3 weeks, over 15 years = 4 weeks)

89. Redefine sick leave, short term disability, and sick-leave incentive programs to provide reasonable coverage for non-work related short-term illness or disability and shared responsibility for the cost. This will require establishing consistency across the employee groups for the accumulation of sick days on an annual basis and incrementally increasing waiting periods to 45 days before short term disability insurance applies and the transfer of the cost of the premium for short term disability insurance to the employee. Buy backs of unused sick days at upon voluntary separation, resignation or retirement will be limited to 45 days at a rate of \$30 per day.
90. Redesign active employee health care coverage by increasing the deductible to \$1500 for single coverage and \$3000 for family coverage, raising the employee contributions to the cost of the all health insurance premiums from 5% to 10% in 2012, 10% to 15% in 2013, and 15% to 25% in 2014, and establishing employer funded Health Savings Accounts (HSAs).
91. For all employees hired prior to 12/31/2011 and eligible for retiree health care benefits and retire after 12/31/2011, contain current post-retirement health care costs by establishing a \$1500 single coverage deductible and requiring retirees to contribute to the annual cost of their insurance premium on a basis comparable to the contributions made by active borough employees; 10% of the cost of the premium in 2012, 15% in 2013 and 25% in 2014. Retiree health care benefits shall not exceed those they received as an active employee prior to retirement. Retirees may be retained in the same plan in which they were a member prior to retirement.
92. Effective 1/1/2012, eliminate post-retirement health care or in lieu payments for any and all new hires.
93. Effective 1/1/2012, eliminate the allocation of excess interest earnings in the uniformed and non-uniformed personnel pension plans to employees. The borough shall establish an Other Post Employment Benefits (OPEB) trust fund with the excess interest revenues to offset the annual expense of retiree health insurance costs previously granted to police and fire personnel. If necessary, additional funds from the general fund shall be allocated on an annual basis to cover the cost of post retirement insurance benefits.
94. Effective 1/1/2012 there will be no compensation paid for employees to attend union meetings.
95. Effective 1/1/2012 borough personnel will no longer be paid a shift differential.
96. Effective 1/1/2012 borough personnel will be limited to taking the equivalent of one week of vacation in one day increments with the department supervisor's permission.
97. Re-organize the supervisory responsibilities of the police and fire departments by creating a public safety director's position to manage and supervise the daily operations of the police and fire departments. The position of public safety director shall replace the positions of police chief and fire chief.
98. Scheduling – Fire and Police schedules will be in conformance with FLSA's section 207(k) partial exemption from overtime provision. The borough retains the right to determine the basis of the "work period" for scheduling purposes for all personnel.

99. Effective 1/1/2012 eliminate the 40% of full-time hours worked limitation on the use of part-time employees in the fire and police department.
100. Part-time Public Safety Personnel – The borough will recruit, train, and maintain a sufficient corps of part time personnel to minimize and/or eliminate the use of non-emergency overtime in the police and fire departments on an annual basis.
101. Position Vacancies - Positions vacated through the retirement, voluntary or involuntary separation of full-time personnel shall not be filled without the approval of the Act 47 Coordinator.
102. For all employees whether they actually work holidays or not they shall not receive any additional compensatory time off for the holidays.

#### **PUBLIC SAFETY – POLICE**

103. The police schedule shall not exceed 55 shifts per week.
104. The borough shall begin to utilize part-time officers in the future to fill regular work shifts. This shall require removing the cap on part-time shifts in the next negotiated contract.
105. The borough shall calculate all costs associated with the police services provided to West Salem Township. The overall costs of this service shall include a contingency amount and shall be the minimum charge to the township for future contracts.
106. Major capital purchases such as new vehicles should be part of the capital budget and not part of the police department budget.
107. The police chief shall take an active role in monitoring all costs relating to the department and review any significant budget variances with the manager on a monthly basis.
108. The borough council and mayor shall pursue the next phase of the Greenville-Hempfield police merger study and actively participate in the development of an implementation strategy with the intention of making the merger effective January 1, 2009.
109. The borough in conjunction with Hempfield Township shall pursue shared services and start-up funding for police merger from DCED.
110. The borough shall assess the continued financial feasibility of continuing to provide contract police services to West Salem Township, if the police department merger with Hempfield Township is implemented.

#### **PUBLIC SAFETY – FIRE**

111. The borough shall begin to reduce paid personnel through attrition.
112. The borough shall increase its efforts to develop a revitalized volunteer force with neighboring municipalities and actively recruit Thiel College students and residents. Incentives to increase recruitment should be identified and pursued. The borough shall request DCED peer consultant assistance to assess the costs and benefits of a paid versus volunteer fire department. The borough shall create an incentive system to attract and retain firefighters.
113. At the conclusion of this recovery period and the current fire contract, the borough should consider a reduction to a paid chief and an assistant chief, with the rest of the force to be volunteer.
114. The current paid fire personnel shall be utilized for borough fleet maintenance and additional support to the borough's code enforcement efforts.
115. Time billed for firefighters for false alarms shall include all direct payroll costs not limited to FICA and workers' compensation.
116. The borough shall enter into discussions with the municipal authority relative to waiving the hydrant fee and standby fee during the Act 47 recovery period.
117. The fire department, during the course of its fire inspections, should gather employment data of the entity and share this information with the borough revenue collection departments.
118. The borough should utilize the mechanic maintenance pit at the fire department for routine vehicle maintenance and repair of all borough vehicles. This could be accomplished with existing fire department personnel on non-daylight shifts.
119. The borough shall form a task force of elected officials and administrative staff to develop short and long term strategies to mediate the annual costs associated with a paid fire department.
120. The borough shall open a dialogue with tax exempt properties to establish an annual user fee for fire, police, and public works services. Larger entities shall be asked to support the replacement of fire department apparatus.
121. The borough shall continue to explore the feasibility of billing for emergency medical first responder services.
122. The borough shall consider options for providing the fire chief with more time to perform administrative and management functions, thereby protecting the borough from potential liability or legal action.
123. The borough shall work with Thiel College to provide incentives for college students to become volunteer fire fighters.
124. The borough shall develop an incentive program to encourage members of the community to join the volunteer department.

125. The borough shall establish a dialogue with surrounding communities regarding a consolidated or regional fire department.
126. The borough shall implement a capital improvement program for fire apparatus replacement.
127. The borough shall implement an on-duty training program incorporating ISO and NFPA training requirements.
128. The borough shall initiate discussion with the local ambulance service to identify ways to better coordinate responses to medical emergencies, manage demands for service and more efficiently use fire department resources.
129. The borough shall undertake a community risk analysis to gauge potential, future demand for fire services. The borough shall seek the assistance of the fire study consultant in the implementation of the risk assessment.
130. The borough shall pursue funding from state and/or federal grant programs to support the implementation of the above amendments to the Act 47 Recovery Plan.

## **PUBLIC WORKS**

131. The Borough of Greenville Public Works Department should establish its identity. It should establish a uniform protocol with a Borough logo that identifies the personnel and vehicles as members of the Greenville Public Works Department. Currently, the department has vehicles and equipment without the municipal name on them. The employees need to be consistent in their presentation to the public. The department should have a branding in which they will proud of their work and work environment. This can be accomplished through the proper recognition of the department and the members. In addition, a brainstorming session with the public works employees would provide the incentive for the workers to feel part of the process again
132. Borough Public Services Director should develop a business calendar outlining all work assignments for the year and a review process on how the work was completed (Standards for Effective Local Government, Section X, Municipal Public Works Management, Overall Management of Public Works, Standard No. 3, 5, 6 and Municipal Streets, Standard No. 2).
133. The Borough should comply with all applicable provisions of PA Act 101 to assure that recycling grant funds are available to the borough on a continuing basis. The Borough should plan the expenditure of Act 101 funds as part of the annual operating/capital budget process.
134. The Borough shall continue to work cooperatively with the adjacent municipalities and Thiel College in the provision of services and acquisition of materials, equipment and supplies, as appropriate.
135. Following the adoption of the annual budget, the Public Services Director should develop an implementation plan encompassing all public works operations including a system for monitoring goals and objectives is developed by the public works administrator in consultation with the municipal manager/administration (Standards for Effective Local

Government, Section X, Municipal Public Works Management, Overall Management of Public Works, Standard No.3).

136. For all public works projects, the Public Works Department should develop a system for monitoring all projects in all phases of implementation by appropriate management personnel (Standards for Effective Local Government, Section X, Municipal Public Works Management, Overall Management of Public Works, Standard No.5).
137. The Public Services Director should develop a multi-year plan which presents an assessment of the current condition of all municipal streets, roads, and alleyways and a schedule for resurfacing, restoration or reconstruction projects (Standards for Effective Local Government, Section X, Municipal Public Works Management, Municipal Streets, Standard No. 2).
138. The Borough shall comply with MS4 which requires that 25% of the municipality's storm sewer system be cleaned each year.
139. The Department's Capital Plan and Budget for vehicle and equipment replacement shall be updated annually.
140. The Department's vehicle and machinery/equipment comprehensive maintenance records shall be used as the basis for the Borough's replacement schedule for public works vehicles and machinery/equipment (Standards for Effective Local Government, Section X, Overall Management of Public Works, Standard No. 4)
141. All streets shall be signed, aesthetically pleasing, well maintained, and located for maximum visibility in addition to installed according to PADOT regulations and supported by municipal ordinances (Standards for Effective Local Government, Section X, Municipal Public Works Management, Municipal Streets, Standards No. 5 & 6).
142. The borough shall study the feasibility of contracting out public works services and determine the minimum staffing necessary to provide services which are not contracted.

#### **PLANNING AND DEVELOPMENT**

143. The borough should work closely with Mercer County Regional Planning Commission, the Mercer County Housing Authority, the Mercer County Community Action Partnership and other agencies that provide housing assistance, and should strive to coordinate the housing plan efforts with the various long-term planning and economic and community development programs in the borough and the region.
144. The borough should seek to develop a home ownership marketing strategy to encourage existing renters to purchase their homes and to attract new residents to move into Greenville and purchase their homes. The borough should develop a marketing partnership with real estate firms to accomplish this.
145. The borough should establish a revolving loan fund for an owner-occupied home financing program, perhaps in partnership with PHFA. The new program should encourage home purchases, rehabilitation to meet code requirements, and improvements to increase home values. Such a program should not be targeted on the basis of

homeowner income levels. The borough should consider the feasibility of capitalizing such a program through an allocation of its Community Development Block-Grant funds or PHFA funds, to provide a partial guarantee or credit enhancement for tax-exempt bank bond issue. The proceeds from such a bond issue may be used to provide low-interest loans to middle income individuals and families. The borough may consider submitting an application to the Pennsylvania Communities of Opportunity Program for funding to capitalize such a program. The borough should create a revolving loan fund with a principal Amount of \$1.5 million over the next 3 years to capitalize the program.

146. The borough should consider the establishment of a vacant property review committee or commission, to provide leadership and assistance toward the demolition of abandoned structures and the marketing and/or making available of land for development to interested parties.
147. Tax abatements for home improvements or rehabilitation should be considered over a five-year tax abatement period in conjunction with the school district and Mercer County on new real estate taxes resulting from home improvements or rehabilitation.
148. The borough shall aggressively pursue the creation of the Greenville Partnership, involving key economic development entities within the region and within the partnership identify an entity to provide administrative support for economic development activities. The economic development partnership shall spearhead positive movements with Trinity Industries toward the site redevelopment, marketing, public funding and appropriate reuse. The borough should seek Act 47 funding to initiate the creation of the partnership.
149. The partnership should work with Trinity Industries to develop an incentive-based agreement for marketing, recruitment and development of the Trinity Industries site.
150. The borough should apply to the state for enterprise zone designation for the Trinity Industries site and pursue new communities funding for its central business district.
151. The borough shall pursue a tax-sharing agreement with Hempfield Township, whereby any taxes generated from any development on the Trinity Industries site in either jurisdiction will be shared on a pro rata land area formula. This agreement will eliminate municipal competition for new development and encourage mutual support.
152. The borough should pursue the creation of a special fund to provide a local match to qualify for a variety of state and federal grant programs for development projects.
153. The borough should maintain close and good relations with stable employers within the borough; encourage a partnership with the leadership of both Thiel College and UPMC Horizon in order to access their talents, energy and vision.
154. The Borough should review all possible financial incentives permitted under state law to facilitate economic development.
155. The Recovery Plan of 2003 contained numerous recommendations specific to Economic Development. In a larger community, the governing body may establish an Economic Development Committee that is separate from the Planning Commission. However due to the size of Greenville Borough and a desire to avoid adding an additional

committee/commission of government, it is recommended that the Planning Commission take on some of the Economic Development tasks. As stated above, the current Greenville Borough Planning Commission is active, technically efficient, and productive. An Economic Development Committee of the Planning Commission would be a great asset to the Borough Manager and Council.

156. Borough Council should appoint an Economic Development Committee in cooperation with the Borough Planning Commission to actively follow the recommendations of the Implementation Strategy as outlined by the Comprehensive Plan of 2004.
157. The Greenville Borough Planning Commission should make recommendations to borough Council as to the prioritization of the implementation of recommendations contained within the Greenville Borough and Hempfield Township Joint Comprehensive Plan. A short-term and long-term work plan or strategy for implementation of the recommendations should be developed. The Implementation Strategy Plan should be reviewed and updated annually.
158. The Borough Planning Commission should review the Borough Zoning Ordinance relative to the recommendations made for revisions in the Comprehensive Plan and propose amendments where applicable.
159. The borough shall coordinate an update of its zoning ordinance with Hempfield Township to implement the joint comprehensive plan.
160. The borough shall utilize existing local, county, regional and state agencies and organizations to develop realistic economic development goals for the community.
161. The borough shall restructure the planning, zoning, and permitting processes.
162. The borough shall develop a procedures manual for the part time zoning officer and property code enforcement position.

#### **AUTHORITIES**

163. At the request of the sanitary authority the water authority should shut-off all delinquent accounts in compliance with their rules and regulations.
164. The borough should discuss with the water authority the potential for combining collection efforts on delinquent accounts through water shut offs. In addition, the borough should request the municipal authority to post payments proportionally to both water and sewage.
165. The borough shall enter discussions with Hempfield and West Salem townships relative to the 25% and 15% retentions for billing and maintenance, since more of the flat fee is for treatment as opposed to line maintenance. In addition, there may be some economy of scale if the borough would increase its staffing by one person for maintenance of all three municipalities and retain the maintenance costs from both Hempfield and West Salem.
166. The borough shall review electric consumption and those costs over the prescribed costs identified as the boroughs in the lease shall be billed to the lessee.

167. The borough shall investigate the potential for dissolving the sewer authority and transferring waste water treatment services to a borough department, to an intergovernmental organization or privatizing the service.
168. The Borough of Greenville should initiate discussions about the regionalization of operations of wastewater and water treatment services. This would require meetings with surrounding communities including Hempfield and West Salem.
169. The Borough of Greenville should meet with the Department of Environmental Protection to see what role Greenville's Wastewater Treatment Plant can play in a regional and county approach.