

WEST PIKELAND TOWNSHIP
Ordinance 89-02-02

The following ordinance is hereby adopted by the Board of Supervisors of West Pikeland Township.

WHEREAS the General Assembly of the Commonwealth of Pennsylvania has enacted Act 68 of 1985 setting forth certain guidelines and limitations for the compensation of supervisors of townships of the second class, and

WHEREAS said act provides that supervisors of townships having a population of not more than 4,999 shall be compensated in an amount not to exceed \$1,500. per annum, and

WHEREAS the population of West Pikeland Township is approximately 2,200, and

WHEREAS the General assembly by said Act 68 authorizes the boards of supervisors of the various townships of the second class to determine the compensation of supervisors subject to the limitations set forth in the act, and

WHEREAS it is the intention of the Board of Supervisors of West Pikeland Township to set compensation for supervisors on a per meeting basis and within the limitations of Act 68,

Now therefore it is hereby enacted and ordained as follows:

1. Each supervisor of West Pikeland Township elected or appointed to office on or after November 5, 1985, shall receive compensation for attending duly advertised general or special public meetings of the board of supervisors at the rate of \$50.00 for each meeting attended by such supervisor.

2. No supervisor shall receive annual compensation under this ordinance in excess of the annual statutory limit set by the General Assembly in Act 68 for supervisors of townships within the appropriate population category.

3. No supervisor shall be compensated for attending any meetings of the board of supervisors in excess of 30 meetings per year; such absences of compensation shall not negate or in any way affect such supervisor's duty or obligation to attend such uncompensated meetings.

4. Such compensation shall be paid in quarterly installments.

5. This ordinance shall be effective

Approved and adopted by the Board of Supervisors of West Pikeland Township this ____ day of _____, 19____

Attest:

Colbert J. Brady

George M. V.

Secretary

Update

Pennsylvania State Association of Township Supervisors

3001 Gettysburg Road, Camp Hill, Pennsylvania 17011 • Telephone (717) 763-0930

November 14, 1985

New Supervisor Compensation Law Signed

Gov. Dick Thornburgh signed a law October 31 to amend Section 515 of the Township Code to establish an annual compensation schedule for supervisors based on the population of townships. Act 68 of 1985 took effect upon the governor's signature.

The compensation categories are as follows:

<u>Township Population</u>	<u>Annual Maximum Compensation</u>
Up to 4,999	\$1,500
5,000 to 9,999	\$2,000
10,000 to 14,999	\$2,600
15,000 to 24,999	\$3,300
25,000 to 34,999	\$3,500
35,000 or more	\$4,000

Act 68 requires the compensation to be paid on a monthly or quarterly basis and requires the board of supervisors to pass an ordinance to set compensation according to this new schedule.

As the new act is interpreted by the State Association, only those supervisors elected after October 31, 1985, are eligible to begin receiving compensation according to the new law. Incumbent supervisors will have to wait until they are reelected to office to be paid according to the new schedule because of constitutional constraints.

This interpretation of the new law is offered for your information and consideration and is not a legal opinion. It is imperative that you obtain the advice of your solicitor regarding this matter.

The following may be helpful to you and your solicitor in coming to a decision:

- 1) Article III, Section 27, of the Pennsylvania Constitution.
- 2) Baldwin v. City of Philadelphia, 99 Pa. 164 (1881).
- 3) Heald v. Conneaut School District, 9D and C3d 703 (1979) and Oblackovich v. McCormick, 7D and C3d 590 (1978).

In lieu of paying overtime to affected employees who work extra hours, townships and other local governments nationwide may now give compensatory time off on a time-and-a-half basis. Townships do not have to comply with the overtime provisions of the act until April 15, 1986. The new law also authorizes states and municipalities to defer the actual payment of overtime compensation until August 1, 1986.

Also under the new law, employees whose activities include public safety, emergency response or seasonal work can accumulate up to 480 hours of unused compensatory time before overtime compensation must be paid. All other employees are subject to a 240-hour limit on the banking of comp time. Townships must keep accurate records of all extra time worked by their employees.

The new law also exempts from compliance with the act any individual who performs services for a local government on a voluntary basis. Although the U.S. Department of Labor will be writing a broad definition of "volunteer," the new law states that a volunteer is someone who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform services for which he volunteered. Such services must not be the same type for which the volunteer is employed to perform for the public agency.

The new law also permits for shift trading among local government employees without any overtime liability on the part of the local government and exempts employees of state and local legislative bodies.

Townships have had to comply with the Fair Labor Standards Act as a result of a February 1985 Supreme Court ruling. Since that ruling, townships and other local governments have been up in arms about the strain the law is placing on their budgets.

Because President Reagan had just signed this new law at press time, the State Association did not have all the details on the law's provisions. You will receive more information as these details become known.

Revenue Sharing Funding Likely in '86

Townships will most likely receive General Revenue Sharing payments through 1986 but may experience an 8.4 percent reduction in the last quarterly payment of the three-year authorization period if both houses of Congress agree to the latest Revenue Sharing proposal before them.

ACT 68 OF 1985

Amending the act of May 1, 1933 (P.L. 103, No. 69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further providing for the compensation of supervisors.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 512 of the Act of May 1, 1933 (P.L. 103, No. 69), known as the Second Class Township Code, reenacted and amended July 10, 1947 (P.L. 1481, No. 557) and amended November 26, 1975 (P.L. 453, No. 125), is amended to read:

Section 512. Monthly meetings: quorum, rent and expenses.--The township supervisors shall meet for the transaction of business at least once each month, at a time and place to be fixed by the board. [, but they shall not be paid for more than sixteen meetings in any one year, except in any township where, on account of the exercise of governmental functions other than those relating to roads, more meetings are necessary, in which case, the number of meetings for which the supervisors may be paid may be increased to any number, not exceeding fifty meetings in any year which shall include hearings by aggrieved parties under the Pennsylvania Sewage Facilities Act and other hearings of a judicial or quasi-judicial nature.] Two members of any board of supervisors consisting of three members shall constitute a quorum and three members of any board of supervisors consisting of five members shall constitute a quorum. Except as otherwise provided in this act, an affirmative vote of a majority of the entire board of supervisors shall be necessary in order to transact any business. Necessary expenses incurred in such meetings, including office rent, stationery, light and fuel, shall be paid out of the general township fund.

Section 2. Section 515 of the Act, amended November 2, 1973 (P.L. 324, No. 105), is amended to read:

Section 515. Compensation of Supervisors.--Supervisors may receive from the general township fund, as compensation, [twenty-five dollars for each meeting which they attend.] an amount fixed by ordinance not in excess of the following:

<u>Township Population</u>	<u>Annual Maximum Compensation</u>
<u>not more than 4,999</u>	<u>fifteen hundred dollars</u>
<u>5,000 to 9,999</u>	<u>two thousand dollars</u>
<u>10,000 to 14,999</u>	<u>twenty-six hundred dollars</u>
<u>15,000 to 24,999</u>	<u>thirty-three hundred dollars</u>
<u>25,000 to 34,999</u>	<u>thirty-five hundred dollars</u>
<u>35,000 or more</u>	<u>four thousand dollars</u>

SAMPLE ORDINANCE

The following ordinance is hereby adopted by the Board of Supervisors of _____ Township.

Whereas the General Assembly of the Commonwealth of Pennsylvania has enacted Act 68 of 1985 setting forth certain guidelines and limitations for the compensation of supervisors of townships of the second class, and

Whereas said act provides that supervisors of townships having a population of _____ to _____ shall be compensated in an amount not to exceed \$ _____, and

Whereas the population of _____ Township is _____, and

Whereas the General Assembly by said Act 68 authorizes the boards of supervisors of the various townships of the second class to determine the compensation of supervisors subject to the limitations set forth in the act,

Now therefore it is hereby enacted and ordained as follows:

1. Each supervisor of _____ Township elected or appointed to office on or after November 5, 1985, shall receive compensation as a supervisor in the annual amount of \$ _____.
2. Such compensation shall be paid in monthly/quarterly installments.
3. This ordinance shall be effective January 1, 1986.

SAMPLE ORDINANCE
(Per Meeting)

The following ordinance is hereby adopted by the Board of Supervisors of W. Park Township.

Whereas the General Assembly of the Commonwealth of Pennsylvania has enacted Act 68 of 1985 setting forth certain guidelines and limitations for the compensation of supervisors of townships of the second class, and

Whereas said act provides that supervisors of townships having a population of 4000 to 4500 shall be compensated in an amount not to exceed \$ 150, and

Whereas the population of W. Park Township is 3700, and

Whereas the General Assembly by said Act 68 authorizes the boards of supervisors of the various townships of the second class to determine the compensation of supervisors subject to the limitations set forth in the act, and

Whereas it is the intention of the Board of Supervisors of W. Park Township to set compensation for supervisors on a per meeting basis and within the limitations of Act 68,

Now therefore it is hereby enacted and ordained as follows:

1. Each supervisor of W. Park Township elected or appointed to office on or after November 5, 1985, shall receive compensation for attending duly advertised general or special public meetings of the board of supervisors at the rate of \$ 50.00 for each meeting attended by such supervisor.
2. No supervisor shall receive annual compensation under this ordinance in excess of the annual statutory limit set by the General Assembly in Act 68 for supervisors of townships within the appropriate population category.
3. No supervisor shall be compensated for attending any meetings of the board of supervisors in excess of 30 meetings per year; such absences of compensation shall not negate or in any way affect such supervisor's duty or obligation to attend such uncompensated meetings.
4. Such compensation shall be paid in monthly/quarterly installments.
5. This ordinance shall be effective January 1, 1986.

and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days.

(2) For a second offense, be sentenced to pay a fine of not less than [§25] \$50 nor more than [§100] \$200 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.

(b) Unauthorized disposition of forms.—Any person who disposes of any summons or complaint ISSUED PURSUANT TO THIS CHAPTER in any other manner than that prescribed by law, rule or regulation is guilty of a misdemeanor of the third degree.

Section 5. Enforcement of registration of ATVs and ATV dealers shall commence six months after the effective date of this act.

Section 6. This act shall take effect in 60 days.

Signed:
RICHARD L. THORNBURGH
Governor
July 11, 1985

COMPENSATION OF SUPERVISORS (TOWNSHIP CODE)

ACT 68

Amending the act of May 1, 1933 (P.L. 103, No. 69).

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 512 of the act of May 1, 1933 (P.L. 103, No. 69), known as the Second Class Township Code, reenacted and amended July 10, 1947 (P.L. 1481, No. 567) and amended November 26, 1975 (P.L. 453, No. 125), is amended to read:

Section 512. Monthly meetings; quorum, rent and expenses.—The township supervisors shall meet for the transaction of business at least once each month, at a time and place to be fixed by the board. [but they shall not be paid for more than sixteen meetings in any one year, except in any township where, on account of the exercise of governmental functions other than those relating to roads, more meetings are necessary, in which case, the number of meetings for which the supervisors may be paid may be increased to any number, not exceeding fifty meetings in any year which shall include hearings by aggrieved parties under the Pennsylvania Sewage Facilities Act and other hearings of a judicial or quasi-judicial nature.] Two members of any board of supervisors consisting of three members shall constitute a quorum and three members of any board of supervisors consisting of five members shall constitute a quorum. Except as otherwise provided in this act, an affirmative vote of a majority of the entire board of supervisors shall be necessary in order to transact any business. Necessary expenses incurred in such meetings, including office rent, stationery, light and fuel, shall be paid out of the general township fund.

Section 2. Section 515 of the act, amended November 2, 1973 (P.L. 324, No. 105), is amended to read:

Section 515. Compensation of Supervisors.—Supervisors may receive from the general township fund, as compensation, [twenty-five dollars for each meeting which they attend.] AN AMOUNT FIXED BY ORDINANCE NOT IN EXCESS OF THE FOLLOWING:

TOWNSHIP POPULATION	ANNUAL MAXIMUM COMPENSATION
NOT MORE THAN 4,999	FIFTEEN HUNDRED DOLLARS
5,000 to 9,999	TWO THOUSAND DOLLARS
10,000 to 14,999	TWENTY-SIX HUNDRED DOLLARS
15,000 to 24,999	THIRTY-THREE HUNDRED DOLLARS
25,000 to 34,999	THIRTY-FIVE HUNDRED DOLLARS
35,000 or more	FOUR THOUSAND DOLLARS

SUCH SALARIES SHALL BE PAYABLE MONTHLY OR QUARTERLY FOR THE DUTIES IMPOSED BY THE PROVISIONS OF THIS ACT. THE POPULATION SHALL BE DETERMINED BY THE LATEST AVAILABLE OFFICIAL CENSUS FIGURES. The compensation of supervisors, when acting as superintendents, roadmasters or laborers, shall be fixed by the township auditors either per hour, per day, per week, semi-monthly or monthly, which compensation shall not exceed compensation paid in the locality for similar services, and such other reasonable compensation for the use of a passenger car, or a two-axled four-wheeled motor truck having a chassis weight of less than two thousand pounds and a maximum gross weight of five thousand pounds, or a class 2 truck, having a maximum gross weight of seven thousand pounds when required and actually used for the transportation of road and bridge laborers and their hand tools and for the distribution of cinders and patching material from a stock pile, as the auditors shall determine and approve; but no supervisor shall receive compensation as a superintendent or roadmaster for any [day he receives compensation for] TIME HE SPENDS attending a meeting of supervisors [unless such meeting is held after regular working hours].

Section 3. Supervisors may continue to be compensated as provided heretofore until such time as an ordinance is enacted as authorized in this act.

Section 4. This act shall take effect immediately.

Signed:
RICHARD L. THORNBURGH
Governor
October 31, 1985