

**THE BOROUGH OF DELAWARE WATER GAP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF DELAWARE WATER GAP,
MONROE COUNTY, PENNSYLVANIA, CREATING THE OFFICE OF
BOROUGH MANAGER IN AND FOR THE BOROUGH OF DELAWARE
WATER GAP.**

NOW, THEREFORE, be it ORDAINED and ENACTED by the Council of the Borough of Delaware Water Gap, Monroe County, Pennsylvania, as follows:

SECTION 1 – CREATION AND FILLING OF THE OFFICE

A. Pursuant to the Borough Code, Article 1141 (8 Pa.C.S. §1141), the Office of Borough Manager of the Borough of Delaware Water Gap is hereby created, subject to the right of the Borough, by ordinance, at any time to abolish such office.

B. As soon as practicable after the enactment of this ordinance, the Borough Council shall elect, by majority vote of Council, one person to fill the office of Borough Manager who shall serve until removed by a majority vote of Council.

C. The Borough Manager shall be chosen solely on the basis of his or her executive and administrative abilities, with special reference to his or her actual experience in or his/her knowledge of accepted practices in respect to the duties of the office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of his or her appointment, but during the tenure of his or her office the Borough Manager may reside outside the Borough only with the approval of Council. If Council fails

within a reasonable time, not to exceed sixty days after the appointment, to approve the Manager's residence outside the Borough, the Manager must immediately become, and during his or her tenure remain, a resident of the Borough.

D. In case of illness or absence of the Manager from the Borough, Council may designate a qualified individual to perform the duties of the Borough Manager during the Manager's absence or disability.

E. The Borough Manager shall receive such compensation as shall be fixed from time to time by Council.

SECTION 2 – BOND.

Before entering upon his or her duties, the Borough Manager shall give bond to the Borough of Delaware Water Gap, with a bonding company as surety, in an amount not less than Six Hundred Thousand (\$600,000.00) Dollars, conditioned for the faithful performance of his or her duties, with the premium of said bond to be paid by the Borough of Delaware Water Gap. The bond of the Borough Manager may be included in and the Borough manager may be bonded under, any blanket bond now in effect for other Borough Employees, or as Secretary - Treasurer, if applicable.

SECTION 3. POWERS AND DUTIES.

The Borough Manager shall be the Chief Administrative Officer of the Borough and shall be responsible to Council as a whole for the proper and efficient administration of the affairs of the Borough. The powers and duties of the Manager shall relate to the general management of all Borough business not expressly by statute or ordinance imposed or conferred upon other Borough officers.

Subject to recall by ordinance, the powers and duties of the Manager shall include the following:

A. Supervision of Borough Services

- i. The Borough Manager may employ, with the approval of Council, experts and consultants to perform work and provide advice in connection with any of the functions of the Borough.
- ii. All complaints regarding services or personnel of Borough departments shall be referred to the Borough Manager who shall investigate these complaints and report to Council.

B. Budget Administration and Financial Management

- i. The Borough Manager shall, in conjunction with the preparation of the yearly budget, work with the Budget Committee to obtain information regarding estimated revenue and expenditures necessary to prepare the budget.
- ii. The Borough Manager shall be responsible for the administration of the budget after its adoption by Council.
- iii. The Borough Manager shall be the Purchasing Officer of the Borough and shall purchase in accordance with the provisions of the Borough Code, all supplies and equipment for agencies, boards, departments, and other offices of the Borough provided that all capital expenditures shall be subject to prior approval of Council. The Borough Manager shall keep an account of all purchases and shall, from time to time or when directed by Council, make a full written report thereof. The Borough Manager shall also issue rules and regulations, subject to the approval of Council, governing the procurement of all municipal supplies and equipment.

C. Contract Supervision

- i. The Borough Manager shall supervise the performance and faithful execution of contracts except insofar as such duties are expressly imposed by statute upon some other Borough Officer.
- ii. The Borough Manager shall see that the provisions of all franchises, leases, permits, and privileges granted by the Borough are observed.

D. Reports and Recommendations

- i. The Borough Manager shall keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances and such other reports as Council requests; and make such recommendations to Council as the Manager deems necessary.
- ii. The Borough Manager shall establish and maintain appropriate filing systems and efficient administrative procedures for the conduct of Borough business.
- iii. The Borough Manager shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.

E. Protection of Borough Interest

- i. The Borough Manager shall cooperate with Council at all items and in all matters such that the best interests of the Borough and of the general public may be maintained.
- ii. The Borough Manager shall see that all money owed to the Borough is promptly paid and that proper proceedings are taken for the security and collection of all Borough claims.

F. Meetings

- i. The Borough Manager shall attend all meetings of Council and committees with the right to take part in discussions and shall receive notice of all regular and special meetings of Council and committees.
- ii. The Borough Manager shall prepare the minutes for the monthly regular meeting of Council.

SECTION 4. REPEAL AND SEVERABILITY.

A. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, same are hereby repealed.

B. If any sections, subsection, sentence, clause or phrase of this Ordinance is for any reason held in valid, such decision or decisions shall not affect the validity of the remaining

portions of this Ordinance. All Ordinances of the Borough prescribing the duties of heads of department shall remain in full force and effect insofar as they do not conflict with the provisions of this Ordinance, in which case the provisions of this Ordinance shall govern.

SECTION 6. – EFFECTIVE DATE.

This Ordinance shall take effect and be in full force immediately upon adoption by Borough Council of the Borough of Delaware Water Gap.

ORDAINED AND ENACTED into an ordinance at a Regular Meeting of the Council of the Borough of Delaware Water Gap, Monroe County, Pennsylvania, this ____ day January, 2023.

BOROUGH OF DELAWARE WATER GAP

By: _____
Jamie Levy, President

APPROVED this ____ day of January, 2023, by Larry Freshcorn, Mayor.

By: _____
Larry Freshcorn, Mayor of the Borough of Delaware Water Gap