

December 1, 2011

REGULAR MEETING OF McKEAN TOWNSHIP SUPERVISORS

CALL TO ORDER

A regular meeting of the Board of Supervisors was called to order by Chairwoman Janice Dennis at 7:30 p.m. as previously publicized and took place at the McKean Township Municipal Bldg.

ROLL CALL

Members present were Janice Dennis, Edward Hess, Kenneth Neuburger, and Tenderrlee Little-Assistant Secretary.

CITIZEN COMMENT

William Fulton, Golden Road

Mr. Fulton suggested that the township possibly initiate a curfew on snowmobile roads ending at midnight. He also stated that there are two access roads constructed off Golden Road. Mr. Fulton thanked Ed for his years of service to the township.

MINUTES

Ken Neuburger moved to approve minutes of the November 3, 2011 hearing and meeting, second by Ed Hess and passed by unanimous roll call vote.

Ken Neuburger moved to approve minutes of the November 16, 2011 CDBG hearing, second by Ed Hess and passed by majority roll call vote with Jan Dennis abstaining.

TREASURER REPORT

Ed Hess moved to approve the Treasurer Report of November 30, 2011 subject to audit and approve payment of bills from the Treasurer Report of November 30, 2011, second by Ken Neuburger and passed by unanimous roll call vote.

REPORTS OF BOARDS, COMMISSIONS, COMMITTEES

Planning Commission minutes of November 17, 2011 meeting were noted.

Tenderrlee gave a Zoning Administrator report that a Notice of Violation was sent to 4530 Golden Road.

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Water Authority minutes of November 22, 2011 meeting and Sewer Authority minutes of November 16, 2011 meeting were noted.

REPORTS OF OFFICERS

Ed Hess and Ken Neuburger gave their Roadmaster reports for the month of November.

CORRESPONDENCE

Time Warner Cable—Notification of networks due to expire

Commonwealth of PA—Liquid Fuels Tax Fund Examination Report for two years ended December 31, 2010

UNFINISHED BUSINESS

Ken Neuburger moved to enact the following resolution

RESOLUTION NO. 1290

A **RESOLUTION** of the Township of McKean in the County of Erie, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, herein after set forth, during the year 2012.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania that for the expenditures and expenses for the fiscal year 2012 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 2012 for the specific purposes set forth as follows:

<u>Revenues</u>	General Fund	Highway Aid Fund	Proprietary Funds
Taxes	\$ 701,000		
Licenses and Permits	\$ 15,000		
Fines and Forfeits	\$ 5,000		\$ 4,800
Interest Earnings	\$ 20,000	\$ 100	\$ 170
Rents and Royalties	\$ 2,100		
State Shared Rev.& Entitlement	\$ 141,025	\$205,290	
Capital & Operating Grants	\$ 16,000		
General Government	\$ 710		
Public Safety	\$ 7,700		

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Fiduciary Fund	\$ 28,000		
Sanitation			\$417,000
Water System			\$ 33,617

TOTALS	\$ 936,535	\$205,390	\$455,587
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<u>Expenditures</u>	General Fund	Highway Aid Fund	Proprietary Funds
General Government	\$ 179,520		
Public Safety	\$ 162,000		
Sanitation			\$154,951
Water Distribution			\$ 33,617
Highways, Roads and Streets	\$ 381,350	\$205,390	
Culture-Recreation	\$ 5,000		
Employer Paid Benefits	\$ 56,683		
Group Insurance Benefits	\$ 151,982		
Debt Service			\$267,019
TOTALS	\$ 936,535	\$205,390	\$455,587

TOTAL BUDGET: \$1,597,512

Debt Statement:

The Township of McKean is a Guarantor for a loan from the Pennsylvania Infrastructure Investment Authority in the original amount of Two Million Four Hundred Seventy Thousand Eight Hundred Ninety-six Dollars (\$2,470,896) for the McKean Township Sewer Authority in accordance with the payment schedule on file in the Secretary's Office of the Township Municipal Building.

The Township of McKean is a Guarantor for a loan from the Pennsylvania Infrastructure Investment Authority in the original amount of Seven Hundred Forty-six Thousand Three Hundred Dollars (\$746,300) for the McKean Township Water Authority in accordance with the payment schedule on file in the Secretary's Office of the Township Municipal Building.

The Township of McKean is a Guarantor for a Sewer Revenue Bond registered in the name of CEDE & CO., as nominee for The Depository Trust Company, New York, New York, which will act as securities depository for the Bond in the aggregate principal amount of Two Million Fifty-Five Thousand Dollars (\$2,055,000).

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Enacted this 1st day of December, 2011
By the Board of Supervisors

Janice T. Dennis, Chairwoman

Edward L. Hess

ATTEST:

Kenneth C. Neuburger

Janice T. Dennis, Secretary

Motion was second by Ed Hess and passed by unanimous roll call vote.

Ken Neuburger moved to enact the following resolution:

RESOLUTION NO. 1291

A **RESOLUTION** of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, fixing the tax rate for the year 2012.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania:

That the tax be and the same is hereby levied on all real property within the township of McKean subject to taxation for the fiscal year 2012 as follows:

Tax rate for general purposes, the sum of 1 mill on each dollar of assessed valuation.

That any resolution or part of resolution, conflicting with this resolution be and same is hereby repealed insofar as the same affects this resolution.

Enacted this 1st day of December, 2011
By the Board of Supervisors

Janice T. Dennis, Chairwoman

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Edward L. Hess

ATTEST:

Kenneth C. Neuburger

Janice T. Dennis, Secretary

Motion was second by Ed Hess and passed by unanimous roll call vote.

Ed Hess moved to advertise proposed Ordinance No. 1-12 which is an ordinance establishing a procedure for authorizing tax exemptions for new residential construction in approved areas of McKean Township, second by Ken Neuburger and passed by unanimous roll call vote.

With no objections from the Board, McKean Township would not be joining the Erie Area Council of Governments.

NEW BUSINESS

Ken Neuburger moved to approve the 2012 Sewer Authority Budget at \$9,000, second by Ed Hess and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

RESOLUTION NO. 1292

A RESOLUTION of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, fixing sewer rates for Colonial Village Sewer District for the year 2012.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania:

That the sewer rate for Colonial Village Sewer District per customer for fiscal year of 2012 will be Six Hundred Seventy-Two Dollars (\$672.00).

That any resolution or part of resolution, conflicting with the resolution be and same is hereby repealed insofar as the same affects this resolution.

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**Enacted this 1st day of December, 2011
By the Board of Supervisors**

Janice T. Dennis, Chairwoman

Edward L. Hess

ATTEST:

Kenneth C. Neuburger

Janice T. Dennis, Secretary

Motion was second by Ken Neuburger and passed by unanimous roll call vote.

Ed Hess moved to authorize the payment of bills through December 31, 2011, second by Ken Neuburger and passed by unanimous roll call vote.

Jan Dennis moved to set and advertise the Organization Meeting and Regular Meeting for 2012 to take place January 3, 2012 at 7:30 p.m., second by Ken Neuburger and passed by unanimous roll call vote.

Ken Neuburger moved to appoint the firm of Sterrett Mott & Breski for fiscal year 2012 at an hourly rate of \$100.00 and a flat fee for regular monthly meetings of \$150.00, seconded by Ed Hess and passed by unanimous roll call vote.

Ken Neuburger moved to cancel the December 31, 2011 meeting, seconded by Ed Hess and passed by unanimous roll call vote.

Jan Dennis moved that the Secretary and Treasurer are authorized to attend the Erie County Association of Municipal Administrators Meeting, seconded by Ed Hess and passed by unanimous roll call vote.

Ed Hess moved to approve the Subdivision Plan of Joseph and Sally Wagner contingent upon review and recommendation for approval by the McKean Township Planning Commission and the Erie County Department of Planning, and review by the solicitor, second by Jan Dennis and passed by unanimous roll call vote.

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Ed Hess moved to advertise proposed Ordinance No. 2-12 which is an ordinance adding new snowmobile roads in McKean Township contingent upon a survey being conducted by the Erie County Snowmobile Club, second by Jan Dennis and passed by majority roll call vote with Ken Neuburger voting no.

Jan Dennis moved to enact the following resolution:

RESOLUTION NO. 1293

A RESOLUTION OF THE GOVERNING BOARD OF MCKEAN TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF EARNED INCOME TAX FOR THE TAX COLLECTION DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, the Local Tax Enabling Act (“LTEA”), authorizes certain political subdivisions to levy, assess and collect a tax on salaries, wages, commissions, compensation and earned income of individuals, as therein with more particularity specified, generally and hereinafter referred to as the “**Earned Income Tax**”; and

WHEREAS, **McKEAN TOWNSHIP, ERIE COUNTY**, has entered into contractual agreement with **BERKHEIMER** of Bangor, Pennsylvania, whereby and whereunder **McKEAN TOWNSHIP** appointed Berkheimer to collect **Earned Income Tax**; and

WHEREAS, said LTEA specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality’s ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of **McKEAN TOWNSHIP, ERIE COUNTY** specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

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NOW, THEREFORE, BE IT RESOLVED that:

1. **McKEAN TOWNSHIP, ERIE COUNTY** hereby **appoints** the Township Secretary as **its authorized representative to make requests** upon and receive any and all tax information and records **from Berkheimer**, relative to the collection of taxes for the Taxing Authorities within the Erie County Tax Collection District, as desired and deemed necessary, to be used for official purposes only; and

2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the Taxing Authorities within the Erie County Tax Collection District, upon request, to the Township Secretary as the authorized contact representative for it.

3. **McKEAN TOWNSHIP, ERIE COUNTY** hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

RESOLVED, ENACTED AND ADOPTED at a meeting held on the 1st day of December, 2011.

**Enacted this 1st day of December, 2011
By the Board of Supervisors**

Janice T. Dennis, Chairwoman

Edward L. Hess

ATTEST:

Kenneth C. Neuburger

Janice T. Dennis, Secretary

Motion was second by Ken Neuburger and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

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RESOLUTION NO. 1294

A RESOLUTION OF THE GOVERNING BOARD OF MCKEAN TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, AUTHORIZING AND EMPOWERING ITS LOCAL TAX COLLECTOR, BERKHEIMER, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT TAXES.

WHEREAS, McKEAN TOWNSHIP, ERIE COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of certain local taxes under and pursuant to the authority of the Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, McKEAN TOWNSHIP, ERIE COUNTY, has hired Berkheimer to collect said taxes levied by the CLIENT, COUNTY, including taxes that are or may become delinquent; and

WHEREAS, pursuant to Act 192 of the 2003-2004 General Assembly of the Commonwealth of Pennsylvania, McKEAN TOWNSHIP, ERIE COUNTY, has the right to impose a cost of collection on taxes that become delinquent and/or that remain due and unpaid;

NOW, THEREFORE, BE IT RESOLVED that

1. McKEAN TOWNSHIP, ERIE COUNTY APPROVES AND ADOPTS the Cost of Collection Schedule attached hereto and made apart of this Resolution to be imposed by BERKHEIMER upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid.
2. BERKHEIMER is authorized to retain said costs of collection set forth in the attached schedule incurred in recovering delinquent taxes and assessed to the delinquent taxpayer as allowed by law.
3. Any resolution or part of this resolution conflicting with the provisions of this resolution and the same are hereby repealed to the extent of such conflict.

RESOLVED, ENACTED AND ADOPTED at a meeting held on the 1st day of December, 2011.

**Enacted this 1st day of December, 2011
By the Board of Supervisors**

Janice T. Dennis, Chairwoman

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Edward L. Hess

ATTEST:

Kenneth C. Neuburger

Janice T. Dennis, Secretary

Motion was second by Ed Hess and passed by unanimous roll call vote.

**SCHEDULE OF COLLECTION COSTS TO BE IMPOSED AND ADDED
TO DELINQUENT TAX**

TAXPAYER NOTIFICATION AND ADMINISTRATION

1) Taxpayer late filing, Failure to File, Underpayment or Failure to Pay notice	\$25.00
2) Employer late filing notice or underpayment penalty notice for quarterly or annual earned income tax or local services tax return or reminder notice 10% of the tax, penalty and interest due-minimum charge \$50.00	\$50.00
3) Delinquent account servicing fee, including records imaging or other detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, supplies used to generate delinquent notices and to establish payment plans. 10% of tax, penalty and interest due-minimum charge \$50.00	\$50.00
4) Establishment of Payment Plan (per planned payment)	\$5.00
5) Fee for check returned from bank or failed electronic payment (NSF, Acct. Closed, etc).	\$29.00
6) Notice of intent to file suit.	\$50.00
7) Certified Taxpayer notice prior to wage attachment	\$25.00
8) Employer wage attachment notice.	\$25.00
9) Paid before Service	\$10.00

LITIGATION

1) Prepare Magisterial District Court complaint.	\$75.00
2) Prepare for hearing.	\$100.00
3) Attend Magisterial District Court trial or hearing.	\$150.00

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4) Attend Constable Execution sale.	\$350.00
5) Prepare Arbitration complaint/appeal.	\$150.00
6) Attend Trial.	\$350.00
7) Enter default judgment.	\$150.00
8) Issue Sheriff Writ of Execution.	\$250.00
9) Attend Sheriff Sale.	\$250.00
10) Non-litigation legal work.	\$70.00/hr
11) Litigation legal work.	\$80.00/hr
12) All other clerical work not itemized above.	\$60.00/hr

AUDIT OF EMPLOYERS HOLDING TAXES IN TRUST

1) Tax Assessed Cost:	
\$40.00 - 100.00	\$31.25
\$101.00 - 500.00	\$62.50
\$501.00 - 1,000.00	\$125.00
\$1,001.00 - 5,000.00	\$312.50
Over \$5,000.00	\$1,000.00

REAL ESTATE TAXES

1) Pre collection letter	\$45.00
2) Delinquent tax notice	\$40.00
3) Final Notice	\$28.00
4) Lien Satisfaction Fee	\$30.00

Civil Complaint: Court cost is advanced by Berkheimer and billed on a monthly basis to the taxing body. This cost is recovered at the time judgment is issued in favor of the taxing body and is reimbursed to the taxing body when paid by the taxpayer.

Judgment Execution: Cost for either lien filing fee or actual Sheriff Sale is advanced by Berkheimer and billed to the taxing body on a monthly basis. Once the cost is recovered from the taxpayer it is reimbursed to the taxing body. All mechanics in either case are handled by Berkheimer.

Notices, which are in most cases used mutually exclusive from one another, may be sent in any order depending on collection efforts required and associated charges are not listed in order of mailing or use. The fees and cost for notices may be cumulative based upon the number and type of notices that Berkheimer must send to successfully collect the delinquency.

All Costs also pertain to electronic tax returns, payments etc.

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Berkheimer retains the right to automatically escalate these fees by 3% (rounded to the nearest dollar) on a yearly basis.

Ed Hess moved to grant a 12 month extension for the completion of Part I services of the Rick Road Bridge Over Elk Creek project at a new completion deadline of October 1, 2012, second by Ken Neuburger and passed by unanimous roll call vote.

Jan Dennis and Ken Neuburger thanked Ed Hess for his dedicated years of service to McKean Township as Supervisor and Roadmaster.

PUBLIC PARTICIPATION

Bill Fulton, 4701 Golden Road

Mr. Fulton stated that due to the decision of the court, if Isabell's Gardens host any future events on their property, she will be in Contempt of the Court Order with sanctions to follow.

ADJOURNMENT

With no objections from the Board, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary