

REGULAR MEETING OF McKEAN TOWNSHIP SUPERVISORS

CALL TO ORDER

A regular meeting of the Board of Supervisors was called to order by Chair Janice Dennis on December 7, 2017 at 7:30 p.m. as previously advertised and took place at the McKean Township Municipal Bldg.

ROLL CALL

Members present were Janice Dennis, Brian Cooper, Ronald Bole, Tenderlee Little-Assistant Secretary, and Jay Shimek-Solicitor. Guests noted were Gery Nietupski-Special Counsel, Franklin Township Supervisors Dan Netzler and James Sachar, Franklin Township Secretary Ramona Junkins and Molly Goldsmith-Auditor Elect. The meeting was taped by the Board.

CITIZEN COMMENT – AGENDA

None

MINUTES

Brian Cooper moved to approve minutes of November 2, 2017 meeting, seconded by Ron Bole, and passed by unanimous roll call vote.

TREASURER REPORT

Ron Bole moved to approve Treasurer Report of November 30, 2017 subject to audit, second by Brian Cooper and passed by unanimous roll call vote.

Brian Cooper moved to approve payment of bills from the Treasurer Report of November 30, 2017, second by Ron Bole and passed by unanimous roll call vote.

REPORTS OF BOARDS, COMMISSION, COMMITTEES

Planning Commission November 16, 2017 meeting minutes were noted.

Brian Cooper moved to approve the Subdivision of Lands of Jason Goodwill for a minor subdivision on Tileyard Road, second by Ron Bole and passed by unanimous roll call vote.

Brian Cooper moved to approve the Subdivision of Lands of Edward P. and Jean May Senkalski for minor subdivision on Fry Road, second by Ron Bole. There was no public comment and the motion passed by unanimous roll call vote.

Tenderlee Little, Zoning Administrator reported that nine (9) permits for new single family buildings were taken out in 2017.

Sewer Authority November 15, 2017 meeting minutes were noted.

REPORTS OF OFFICERS

Ron Bole reported that the new Freightliner truck is scheduled for delivery February 2018 and Jan Dennis reported that the total cost for the Pinetree Road Bridge was \$463,280 with McKean Township having to pay a total of \$20,776 due to 80% reimbursement by PennDOT, overage of in-kind expenses in the amount of \$29,131 and \$42,747 in a possible grant through the Erie County At-Risk Bridge Program, Recycling Day costs to the Township is \$1,532 which is one half from 2016, commended Brian Cooper on the Talmadge Road Project and reported a grant received from DCNR for the trailway project on the Peffer Road property in the amount of \$164,500. Brian Cooper noted that the Talmadge Road culvert project and the Pinetree Road Bridge replacement project has been completed, and Low Volume Road Grant funds are being applied for to replace a culvert on Rick Road and possibly replace the Van Camp Road Bridge. He also reported that the township is ready for the snowplowing season.

CORRESPONDENCE

PA DCED—Legislative change regarding the Uniform Construction Code permit fee

PA Family Council—requesting McKean Township pass resolution to reject new casino in municipality

Erie County Bureau of Assessment—Current Total Taxable Assessment

PA Financing Authority—Greenways, Trails and Recreation Program application denied

Summit Township Office of Land Development and Zoning—Notice of Zoning Hearing Board Application

PSATS—Act 42 of 2017 authorizing placement of ten Category 4 casinos within Commonwealth

Erie County Department of Information Technology—LUCA Project

Marsh Schaaf Attorneys—Notice of Voluntary Dissolution of the Custom Electronic Assemblies Company, Inc. at 8351 Pondview Drive

UNFINISHED BUSINESS

Ron Bole moved to enact the following resolution:

RESOLUTION NO. 1443

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 2018.

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 2018 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 2018 for the specific purposes set forth as follows:

<u>Revenues</u>	General Fund	Highway Aid Fund	Proprietary Funds
Taxes	\$ 827,095		
Licenses and Permits	\$ 21,000		
Fines and Forfeits	\$ 1,200		\$ 3,700
Interest Earnings	\$ 20,000	\$ 500	\$ 1,060
Rents and Royalties	\$ 2,100		
State Shared Rev.& Entitlement	\$ 177,750	\$293,658	
Capital & Operating Grants	\$ 17,000		
General Government	\$ 1,800		
Public Safety	\$ 10,850		
Sanitation			\$530,068
TOTALS	\$1,078,795	\$294,158	\$530,068
<u>Expenditures</u>	General Fund	Highway Aid Fund	Proprietary Funds
General Government	\$ 203,620		
Public Safety	\$ 90,475		
Sanitation			\$210,610
Highways, Roads and Streets	\$ 551,350	\$294,158	
Culture-Recreation	\$ 6,200		
Employer Paid Benefits	\$ 87,450		
Group Insurance Benefits	\$ 139,700		
Debt Service			\$319,458
TOTALS	\$1,078,795	\$294,158	\$530,068

TOTAL BUDGET: \$1,903,021

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 PNC Bank, National Association in the original amount of One Million Six Hundred Five Thousand Two Hundred

Thirty Dollars (\$1,605,230) for the McKean Township Sewer Authority in accordance with the payment schedule on file in the Secretary's Office of the Township Municipal Building.

Enacted this 7th day of December, 2017
By the McKean Township Board of Supervisors

Janice T. Dennis, Chair

Brian P. Cooper, Supervisor

ATTEST:

Ronald T. Bole, Supervisor

Janice T. Dennis, Secretary

Motion was seconded by Brian Cooper and passed by unanimous roll call vote.

Incident Response Team 2018 expense was tabled for further action.

EXECUTIVE SESSION

Jan Dennis moved that the Supervisors, Atty. Shimek, and Special Counsel Atty. Nietupsky enter into an Executive Session regarding possible litigation with the McKean Township Auditors, seconded by Brian Cooper and passed by unanimous roll call vote.

The meeting reconvened at 7:58 p.m.

With no objections from the Board, Ron Bole requested the following list of infractions of the Auditors be entered into the minutes: (1) Violation of Section 501 Oath of Office of the Second Class Township Code, i.e., "A Copy of the oath or affirmation shall be filed with the township secretary before assuming the duties of the office"; (2) Fraudulent Minutes of January 2016; (3) Violation of Sunshine Act, i.e., no public comment permitted at January 2016 meeting; (4) Violation of Sunshine Act, i.e., January 2016 minutes approved without a public meeting; (5) Violation of the Fair Labor Standards Act, i.e., overtime pay for over 40 hours worked for 2016; (6) Violation of Sunshine Act, i.e., January 2017 minutes approved without a public meeting; (7) Violation of Second Class Code, i.e., Auditors set benefits for Supervisors employed; (8) Violation of Sunshine Act, i.e., no public comment permitted at January 2017 meeting; (9) Violation of Sunshine Act, i.e., closed door session took place after January 2017 meeting without announcing reason for the executive session; (10) Violation of the Fair Labor Standards Act, i.e., overtime pay for over 40 hours worked for 2017; (11) Charges filed against Supervisors with Ethics Commission with no violation of Ethics Act determined; (12) 3rd Degree Felony Charges filed, i.e., violation of the PA Wiretapping Law; (13) Findings of Act and Conclusions of Law found Auditors "cherry-picked certain Second-Class Townships, decisions to reduce compensation are based upon improper bias and are arbitrary and capricious, friction between Szymanowski and

Bole due to Supervisor supporting Szymanowski's opponent during election and point of contention due to Supervisor's appointing CPA firm for audit, no rationale or basis for Auditors' decision in reducing wages; (14) Court Order dated September 12, 2017 found in favor of Supervisors; and (15) Financial loss of township funds of approximately \$60,000+.

Tenderrlee Little presented to the Board signed petitions requesting the removal of McKean Township Auditors Joseph Szymanowski and Barbara Craig due to the ongoing arbitrary and capricious nature of named auditors and for their misrepresentation of McKean Township residents in the fulfillment of their position as elected Auditors.

Brian Cooper thanked residents for re-electing him which helps show that the Supervisors are doing their job, noted in Section 607 of the Second Class Code which states that the Supervisors shall ensure the sound fiscal management of the citizens of the township, and further added that the Auditors are wasting thousands of taxpayer's dollars through their actions towards the Supervisors. Brian also added that in 1985 Mr. Szymanowski, as one of the Supervisors, took the Auditors to court for wage reasons, which the Supervisors' won. Then in 2017, as one of the Auditors, Mr. Szymanowski forced litigation on the Supervisors due to compensation and benefit issues which Mr. Szymanowski knew the Auditors would lose due to the 1985 court ruling in favor of the Supervisors. Therefore, Mr. Szymanowski knew it would duplicate the loss of township monies and due to the Auditors continuing litigation through an appeal of the court's decision, now additional financial burden is being placed on the township. It is sad that we are left with no alternative but to request their resignations.

Brian Cooper moved that letters be sent to Mr Joseph Szymanowski and Ms Barbara Craig, elected Auditors, requesting their resignation from the Office of Auditor effective December 31, 2017, second by Ron Bole. Discussion followed and Atty. Shimek answered Brian that the Auditors would be responsible individually for their own legal defense expense with the township still having to pay Atty. Shimek's legal fees. There were no public comments received and the motion passed by unanimous roll call vote.

Jan Dennis moved that in the event that Township Auditors Joseph Szymanowski and Barbara Craig do not tender their resignations effective December 31, 2017, McKean Township authorizes the Township Solicitor to initiate legal proceedings for the removal of Mr. Szymanowski and Ms. Craig from office, as authorized under Section 503 of the Pennsylvania Second Class Township Code, entitled "Removal of Township Officers and Appointees", second by Ron Bole. There were no public comments received and the motion passed by unanimous roll call vote.

NEW BUSINESS

Brian Cooper moved to approve the Sewer Authority 2018 Budget at \$9,000 and authorize the appropriate monies deposited in the Sewer Authority's account to bring the balance to \$9,000 for FY 2018, seconded by Ron Bole and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

RESOLUTION NO. 1444

A RESOLUTION of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, fixing the tax rate for the year 2018.

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 2018 as follows:

Tax rate for general purposes, the sum of .95 mills 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 7th day of December, 2017
By the McKean Township Board of Supervisors

Janice T. Dennis, Chair

Brian P. Cooper, Supervisor

ATTEST:

Ronald T. Bole, Supervisor

Janice T. Dennis, Secretary

Motion was seconded by Ron Bole and passed by unanimous roll call vote.

Jan Dennis moved to authorize the payment of bills through December 31, 2017, seconded by Brian Cooper and passed by unanimous vote.

Ron Bole moved to set and advertise the Organization Meeting and Regular Meeting for 2018 to take place January 2, 2018 at 7:30 p.m., seconded by Brian Cooper and passed by unanimous vote.

Jan Dennis moved to appoint the firm of Sterrett Mott Breski & Shimek for fiscal year 2017 at an hourly rate of \$115 and a flat fee for regular monthly meetings at \$175, seconded by Ron Bole and passed by unanimous roll call vote.

Brian Cooper moved to cancel the December 29, 2017 meeting unless business comes before the Board to necessitate the meeting, seconded by Ron Bole and passed by unanimous roll call vote.

Ron Bole moved to approve that the Secretary, Treasurer and Clerk are authorized to attend the ECAMA Dinner Meeting, seconded by Brian Cooper and passed by unanimous roll call vote.

Jan Dennis moved that the Sewage Facilities Planning Module for the Jason Goodwill Subdivision of Lands has been reviewed and found to be acceptable, however, approval of this module does not constitute individual onlot system permit approval, seconded by Ron Bole and passed by unanimous roll call vote.

Brian Cooper moved that McKean Township purchase a Massey Furgeson Tractor and mower through Co-Stars at an estimated cost of \$130,000, second by Ron Bole. Discussion followed and Jan noted that this will be purchased with 2018 State Fund monies. Motion passed by unanimous vote.

PUBLIC PARTICIPATION

Terry Dennis, 4251 East Stancliff Road

Mr. Dennis stated that the loss of revenues the Auditors are causing could pay for the wages for two employees.

Solicitor Jay Shimek thanked the Board for reappointing him Solicitor.

ADJOURNMENT

With no objections, the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary