

The West Deer Township Board of Supervisors held their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Shirley Hollibaugh, Chairwoman; Tracy A. Adamik, Richard W. DiSanti, Jr., Jeffrey D. Fleming, Rick W. Florentine, Lawrence K. McManus, and Gerry Vaerewyck. Also present were: Daniel J. Mator, Jr., Township Manager; Barbara Nardis, Finance Officer; and Douglas I. Happel, Township Solicitor.

Chairwoman Hollibaugh opened and welcomed everyone to the meeting.
PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator -- Quorum present.

Chairwoman Hollibaugh announced the Board held an Executive Session prior to the meeting to discuss legal and personnel issues.

REGISTERED COMMENTS FROM THE PUBLIC:

None.

COMMENTS FROM THE PUBLIC:

Chairwoman Hollibaugh asked if there were any comments on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

None.

2013 FINAL BUDGET:

The 2013 Budget proposes to reduce the Real Estate Tax millage from 2.35 mills to 2.03 mills and the Street Light Tax Assessment rate will be set at \$30 per affected parcel for the 2013 Tax Year.

GENERAL FUND BUDGET

Revenues: \$4,657,483.08
Expenditures: \$4,657,483.08

STREET LIGHTING FUND BUDGET

Revenues: \$ 70,100.00
Expenditures \$ 87,000.00

FIRE TAX FUND BUDGET

Revenues: \$ 180,000.00
Expenditures: \$ 180,000.00

CAPITAL RESERVE FUND BUDGET

Revenues: \$ 100.00
Expenditures \$ 0.00

LIQUID FUELS FUND BUDGET

Revenues: \$ 280,800.65
Expenditures \$ 580,000.00

OPERATING RESERVE FUND BUDGET

Revenues: \$ 500.00
Expenditures: \$ 376,148.39

RESOLUTION NO. 2012-12

A RESOLUTION ADOPTING THE 2013 BUDGET OF THE TOWNSHIP OF WEST DEER, ALLEGHENY COUNTY, PENNSYLVANIA.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor McManus to reject the 2013 Budget due to their significant issues with the Budget, including the millage rate and the line item amounts in the Budget. Members voting yes, Mr. McManus, Mr. Vaerewyck, Mr. Adamik, Mrs. Hollibaugh. Members voting no, Mr. Fleming, Mr. Florentine and Dr. DiSanti. Upon incorrectly noting that the motion failed, Mrs. Hollibaugh was advised by the solicitor that the vote was 4-3 in favor of rejecting the budget. Mrs. Hollibaugh then apologized and explained she meant to vote no to rejecting the Budget instead of yes. Motion fails 4 – 3.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Fleming to adopt Resolution No. 2012-12 – the 2013 Budget. After the motion was read, a discussion took place. Supervisor Adamik had concerns over budget increases over the past few years, and stated that he is not in favor on the five-percent windfall which showed a decreasing millage rate but actually increased the overall tax value.

Mr. Mator explained that the increases over the past few years were due to the influx of revenue from other funds to cover capital improvements such as the Road Program. The 2013 Budget, for example, had an influx of \$430,000 from the Liquid Fuels Fund. He stated that without this transfer, the Budget would actually have shown a decrease of spending.

In regard to the windfall, Mr. Mator said that he did describe it as a windfall in the past and apologized because it not actually a tax windfall. The increase shown in the 2013 Budget represented a revenue neutral figure from projected end-of-year ACTUAL collected taxes from 2012. Mr. Mator explained that the law required the Township to use the ACTUAL collected taxes from 2012 to determine revenue neutrality. To use the LEVIED figures from 2012 would cause the 5% increase shown in the 2013 Budget, and Mr. Mator stated he was therefore advised by Mr. Happel to use the ACTUAL estimates.

Supervisor Vaerewyck continued to question the validity of the calculations. Mr. Mator addressed these concerns by stating that two very important pieces of information are not yet known: 1) the final certified assessments from Allegheny County, and 2) the actual year-end figures from the 2012 Budget. Without those two pieces, no one could accurately determine the budgeted real estate tax line item, and Mr. Mator said that this predicament is shared by all 130 municipalities in Allegheny County as well as the County itself. The figures shown in the 2013 Budget were based on the best prognostications available based on current information. He also advised the Board that – if the current Budget line item is significantly different from the new calculation made once the certified assessments and year-end actuals are received – they have the option of reopening the budget, lowering taxes the following year, or rolling the additional revenue into one of the reserve funds.

Mr. Vaerewyck again expressed his belief that the real estate tax line item was drafted incorrectly by “working the numbers backwards.” Mr. Mator reiterated that the calculation was based on the information given to the Township from the County, then asked Mr. Happel to state to the Board what action Mr. Happel had advised Mr. Mator to take.

Mr. Happel explained the law requires that the year after the assessment values are changed/go up, which happened in 2012, the municipality is required to reduce its tax rate so that the total amount of property tax revenue received in the preceding year equals that in the tax assessment year. The problem that every municipality has right now is no one knows what the certified assessed values will be and don’t know what the 2012 revenues are going to be. He said that if you look at these numbers, and the revenues that are generated next year are budgeted as equal or going to equal the revenues that are generated this year, then one is basically revenue neutral on whatever tax rate the Township applied. Once revenue neutrality is obtained, then the Board could vote in a separate, public action to raise the revenues by the five-percent “windfall.”

Furthermore, Mr. Happel stated that the Township's obligation would be to refund taxes if the Township does not create a tax rate that is revenue neutral after the Township looks at the 2012 actual revenues compared to the 2013 levied revenues. Mr. Mator then stated that an additional amount was budgeted in the expenditures section to cover any refunds due if claims arise.

Supervisor Vaerewyck commented he could not understand how the Budget could show real estate taxes five-percent higher than the previous year, yet be revenue neutral. Mr. Mator again reiterated that the Budget figure is based on information from the County that is guaranteed to change, and indicated he had been in contact with the State and the Governor's office to request guidance. After explaining how he had performed the calculations, the State said the way the Township is doing it is justified because of the uncertainty which naturally exists due to the County delay.

More discussion was held. A roll call vote was taken. Members voting yes to adopt Resolution No. 2012-12 – the 2013 Budget, Mr. Fleming, Mr. Florentine, Dr. DiSanti, and Mrs. Hollibaugh. Members voting no, Mr. McManus, Mr. Vaerewyck, and Mr. Adamik. Motion carried 4 – 3.
2013 Budget adopted.

ORDINANCE NO. 396

SETTING THE STREET LIGHT TAX ASSESSMENT RATE:

AN ORDINANCE OF THE TOWNSHIP OF WEST DEER, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, SETTING THE STREET LIGHT TAX ASSESSMENT RATE AT \$30 PER AFFECTED PARCEL FOR THE 2013 TAX YEAR.

Some discussion was held.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to adopt Ordinance No. 396 setting the Street Light Tax Assessment rate at \$30 per affected parcel for the 2013 Tax Year. Motion carried unanimously 7-0.

GUIDERAIL PROGRAM:

The Township received the proposal from Fence by Maintenance Service, to repair/install guiderail on Eisenhower Drive, McArthur Drive, Simon Road, Miller Road, and Martin Road.

The total cost for the guiderail work: \$7,861.00.

Some discussion was held on various items including the guide rail/liability issues, at the funeral home in Russellton. After further discussion, the Board agreed to get a price from Fence by Maintenance on cutting the guiderail when they are in the area repairing/installing the work on Eisenhower Drive, McArthur Drive, Simon Road, Miller Road, and Martin Road.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Fleming to authorize Fence by Maintenance Service to repair/install guiderail on Eisenhower Drive, McArthur Drive, Simon Road, Miller Road, and Martin Road -- Total amount: \$7,861.00. Supervisor DiSanti also requested to get a price from them for cutting the guiderail in front of Yanicko's Funeral Home in Russellton and emphasized that it was only to receive a price and not perform the action. Motion carried unanimously 7-0.

PICNIC TABLES:

Discussion was held on purchasing picnic tables at Bairdford Park.
Item will be on the December 19, 2012 agenda.

2012 PER CAPITA TAX:

Discussion was held on the Per Capita Tax.
Item will be on the December 19, 2012 agenda.

TRACTOR/BOOM MOWER:

Discussion was held on the sale of the Tractor/Boom Mower.

MOTION BY Supervisor Adamik and SECONDED BY Supervisor DiSanti to authorize the Manager to sell it for \$19,100 (through discussion, Mr. Mator clarified that the buyer was Glenn Johnston and that Mr. Johnston had been willing to pay as much as \$20,000). Motion carried unanimously 7-0.

POLICE SUV:

Discussion was held on the Police SUV Interceptor. Chief Lape was present and discussed the police vehicles.

Item will be on the December 19, 2012 agenda.

NORTH HILLS COG REPORT:

Supervisor Vaerewyck had to resign from his position as the Delegate for the North Hills Council of Governments. At this time, Supervisor McManus agreed to be the Delegate.

COMMITTEE UPDATES:

At this time, each Committee Chairperson reported on their Committee updates:

- 1) Mr. Vaerewyck – Public Safety Committee
- 2) Mr. McManus – Planning, Zoning, & Code Enforcement Committee
- 3) Dr. DiSanti – Economic Development Committee
- 4) Mr. Adamik – Engineering & Public Works Committee
- 5) Mr. Fleming – Parks & Recreation Committee
- 6) Mr. Florentine – Intergovernmental Relations, IT, & Communication Committee
- 7) Mrs. Hollibaugh – Financial Legal, and Human Resources Committee

OLD BUSINESS:

Discussion was held on a portable outdoor ice rink at Bairdford Park.

Item will be on the December 19, 2012 agenda.

NEW BUSINESS:

Items discussed:

- Board appointments for 2013/Letters of Interest received.
- Richland Holdings, LLC, requested acceptance of the streets/Walker Lane, Duke Court, and Havencrest Drive in the HyTyre Farms Plan.

SET AGENDA/December 19, 2012:

6:30 p.m. -- Executive Session

7:30 p.m. -- Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept minutes
8. Monthly Financial Report
 - A. Treasurer's Report
 - B. List of Bills
 - C. Utilities & Payroll
9. Code Enforcement Officer's Report
10. Police Chief's Report
11. Report from the Parks & Recreation Board
12. Engineer's Report
13. Whispering Pines – Amended Lot 14
14. Ordinance No. 395/Streets & Sidewalks
15. Local 205 Agreement
16. Resolution/Fee Schedule
17. Outdoor Ice Rink/Bairdford Park
18. Brine Sprayers
19. Picnic Tables
20. Old Business
21. New Business
22. Set Agenda/January 7, 2013 Reorganization
23. Comments from the Public
24. Adjournment

Items Added:

- Per Capita Tax
- Police SUV
- HyTyre Farms

COMMENTS FROM THE PUBLIC:

Chairwoman Hollibaugh asked if there were any comments on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

None.

EXECUTIVE SESSION:

At this time, Chairwoman Hollibaugh announced the Board will hold an Executive Session to discuss legal and personnel issues.

ADJOURNMENT:

MOTION BY Supervisor Florentine and SECONDED BY Supervisor Fleming to adjourn the meeting at 8:45 p.m. Motion carried unanimously 7-0. Meeting adjourned.

Daniel J. Mator, Jr., Township Manager