

The Westmoreland County Tax Collection Committee met on Tuesday, November 10, 2009, at 7:05 p.m. in the Commissioners Public Meeting Room at the Westmoreland County Courthouse, 2 North Main Street, Greensburg, PA.

**CALL TO ORDER:** The Westmoreland County Tax Collection Committee (TCC) Chairman Joe Koluder called to order the Westmoreland County Tax Collection Committee Meeting of Tuesday, November 10, 2009.

**ATTENDEES:**

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|----------------------|---|-------------------------------|
| TCC Chairperson      | – Joe Koluder   | – Derry Area School District  |
| TCC Vice-Chairperson | – Diane Heming  | – Municipality of Murrysville |
| TCC Secretary        | – Mary Perez  | – City of Greensburg          |
| Jude Abraham         | – Hempfield Area School District  |                               |
| David Amatangelo     | – Rostraver Township  |                               |
| Betsy Cramer         | – Bolivar Borough   |                               |
| Cynthia Delissio     | – Export Borough  |                               |
| Randy Dreistadt      | – Penn Borough  |                               |
| Joyce A. Ewing       | – Upper Burrell Township  |                               |
| Diane Figg           | – East Huntingdon Township  |                               |
| Paul Fry             | – Ligonier Borough  |                               |
| Peggy Gillespie      | – Kiski Area School District  |                               |
| Judy Gilpin          | – Upper Tyrone Township – Fayette County  |                               |
| Margaret Graham      | – New Alexandria Borough  |                               |
| Charles Horvat       | – Penn Township   |                               |
| Linda Iezzi          | – South Greensburg Borough  |                               |
| Lee Kunkle           | – Greensburg Salem School District  |                               |
| Dallas Leonard       | – Penn-Trafford School District   |                               |
| Kris Long            | – Youngwood Borough   |                               |
| Wilda Jean Luczka    | – Everson Borough – Fayette County  |                               |
| Ronald D. Martz      | – Salem Township  |                               |
| Jeffrey Miller       | – Fairfield Township  |                               |
| Caprice M. Mills     | – Mt. Pleasant Township   |                               |
| James R. Morrison    | – Municipality of Murrysville   |                               |
| Amy Muce             | – Bolivar Borough   |                               |
| Eileen M. Navish     | – Belle Vernon Area School District   |                               |
| Floyd Neiderhiser    | – Cook Township   |                               |
| Michael O’Barto      | – Unity Township  |                               |
| Dan Pergola          | – South Huntingdon Township   |                               |
| Bev Picklo           | – Penn Borough  |                               |
| William Porter       | – Southmoreland School District   |                               |
| Gregg Primm          | – Allegheny Township, Avonmore Borough, Bell Township, East Vandergrift Borough, Oklahoma Borough, Vandergrift Borough, Washington Township – Westmoreland County |                               |
| Mary E. Ralston      | – Parks Township – Armstrong County   |                               |
| George Safin         | – Franklin Regional School District   |                               |

L. Bud Santimyer – Scottdale Borough  
John M. Shepherd – North Huntingdon Township  
Scott C. Sistik – New Stanton Borough  
Richard Stadler – Municipality of Latrobe  
Thomas A. Stull, Jr. – Donegal Township  
Connie Sullenberger – Yough School District  
Peggie Watson – Irwin Borough  
Allison Willis – Mt. Pleasant Area School District  
John H. Wilson – Norwin School District  
Charles Yusko – Washington Township – Fayette County

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Mr. Koluder called the meeting to order, announcing that there was a quorum, with 40 representatives in attendance. Mr. Koluder stated that the meeting was advertised as a public meeting and Legal Notice was published in the Tribune-Review. The TCC Legal Notices have been paid by the TCC Officers' respective school district or municipality, so once monies are collected and a budget is established, those school districts/municipalities will be reimbursed accordingly. Upon the advice of Ira Weiss, Acting Solicitor, and Michael Foreman – Pennsylvania Department of Community and Economic Development (DCED), all TCC Meetings and TCC Committee Meetings must be advertised and open to the public.

Mr. Koluder requested that the members provide Ms. Perez, TCC Secretary, with their email addresses as that will be the most efficient method of communication for the TCC. Meeting minutes and other items will be emailed to the primary delegate from each area. The primary delegate would be responsible for providing the alternate delegate with the emailed document. However, Ms. Perez stated that she was in receipt of some alternate delegates' email addresses. For those who didn't provide an email addresses, approximately 23 delegates, Ms. Perez forwarded the Agenda and Meeting Minutes to them via U.S. Mail. Mr. Koluder stated that copies of the Agenda will be provided at each meeting; however, copies of meeting minutes will not always be provided, as they will be emailed to the members. Mr. Koluder noted that every effort will be made to email the draft meeting Agendas to all members in advance of each meeting.

Mr. Koluder stated that M. Janet Burkardt from Attorney Ira Weiss's office, was present. Attorney Weiss is the TCC's Acting Solicitor, performing pro bono.

Mr. Koluder asked the body if anyone had any objection to when a roll call vote on non-major items were needed, that he would call for all those in favor, say "aye"; for all those opposed, say "no". For those who say "no", the members would stand-up and identify themselves accordingly. Mr. Koluder stated that he did check with Ira Weiss, Acting Solicitor for the TCC, and stated that Mr. Weiss confirmed that this would be an acceptable practice. A TCC member inquired to Mr. Koluder if a vote is called by a voice vote, since it is a weighted vote, how can you tell who has the control? Mr. Koluder responded that the "no" votes would be recorded and assume that everyone else is voting "yes". Further, the TCC received a program from the Courthouse how to determine the weighted votes.

For larger votes, such as passing the bylaws, hiring people, passing the budget, if a need for a roll call exists, the roll call will be processed. Mr. Koluder asked the body for objections to this method by either emailing the TCC Officers or voicing their opinion.

Mr. Koluder conveyed that the Bylaws Committee convened on November 2, 2009. Also in attendance at the meeting were the three TCC Officers and Mr. Michael Foreman of the DCED. The Bylaws Committee agreed that the TCC cannot accommodate everyone; however, they have chosen the fourth Tuesday of each month to hold the TCC Committee Meetings. Mr. Koluder requested a show of hands for those who could attend the meetings at either 6:00 p.m. or 6:30 p.m. Consensus showed that 6:30 p.m. would be the most convenient time to meet. There will be no meeting in December 2009; meetings will begin in January 2010 and held at the Commissioners Public Meeting Room at the Westmoreland County Courthouse, 2 North Main Street, Greensburg, PA at 6:30 p.m. The January 2010 through June 2010 meetings will be advertised accordingly. The back-up location for meetings, should the need arise, will be the Municipality of Murrysville's Municipal Building, 4100 Sardis Road, Murrysville, PA. To ensure a quorum at each meeting, Mr. Koluder urged that if an area's primary delegate cannot attend a meeting to please send the alternate delegate.

Mr. Koluder entertained a motion to approve the October 21, 2009, TCC Meeting Minutes. Mr. Lee Kunkle, Greensburg Salem School District moved to approve. Seconded by Mr. Dallas Leonard, Penn-Trafford School District. All present voted aye. Motion approved.

Mr. Koluder announced that Committees will be formed and the Chairs of those Committees would be responsible to attend the TCC Meetings and update the body on the Committees' work. The TCC will authorize the advertisement of RFPs as formulated by the Committees.

Since Mr. Marnell, Bylaws Committee Chair was not present, Mr. Koluder provided an overview of the November 2, 2009, Bylaws Committee Meeting. The Committee met in the Council Chambers Room of the Greensburg City Hall, Greensburg, PA. A quorum was present. The Bylaws Committee is comprised of the following members:

Jim Marnell	– Ligonier Valley School District – Chair
Jude Abraham	– Hempfield Area School District
George Dunbar	– Penn Township
Linda Iezzi	– South Greensburg Borough
Thomas Logan	– Hempfield Township
Eileen M. Navish	– Belle Vernon School District
Susan Trout	– City of Greensburg
Tammy Tuccarello	– Jeannette School District
Allison Willis	– Mt. Pleasant Area School District
Bud Santimyer	– Scottdale Borough

TCC Chairperson	– Joe Koluder	– Derry Area School District
TCC Vice-Chairperson	– Diane Heming	– Municipality of Murrysville
TCC Secretary	– Mary Perez	– City of Greensburg

Michael Foreman	– DCED – Center for Local Government Services
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Mr. Koluder mentioned that the group worked well together, which was encouraging. The Committee agreed by consensus to work from the model PASBO bylaws to draft the Westmoreland County TCC Bylaws. The deadline for the TCC to approve the Bylaws is April 15, 2010. Therefore, the Bylaws Committee will expeditiously work to bring the draft Bylaws to the TCC for review by the February 23, 2010, meeting. This would afford the Bylaws Committee time to revise the Bylaws, as recommended by the TCC. The TCC could then approve the final Bylaws at the March 23, 2010, meeting. The next Bylaws Committee meeting will take place on December 15, 2009, at 3:30 p.m. Mr. Koluder stated that any TCC member could forward suggestions on the Bylaws to Ms. Perez and she will provide to the Bylaws Committee accordingly. All Bylaws Committee Meetings are public meetings, which anyone can attend.

Mr. Koluder outlined the Committees needed to be formed and their functions. He noted that meetings held during the day would be appreciated, so anyone who wishes to volunteer on a Committee should bear this in mind. All meetings must be advertised, so the Committees must inform the TCC Officers accordingly, so that Legal Notices may be published. Mr. Koluder expressed that it would be a cost-savings to have as many Committee meetings as possible listed in one Legal Notice. Mr. Koluder stated that the Committees will be:

Solicitor RFP Committee – Duties include creating an RFP, working on the advertisement, reviewing the candidates, and bringing a recommendation back to the TCC. The following TCC members have agreed to join the Committee:

John Wilson – Norwin School District – Chair  
Dallas Leonard – Penn-Trafford School District  
Jeff Miller – Fairfield Township  
Mike O’Barto – Unity Township  
Eileen M. Navish – Belle Vernon School District

Finance Committee – Duties include working on the budget, obtaining a Treasurer, securing banking and insurance, and obtaining a CPA.

Diane Heming – Municipality of Murrysville – Chair  
George Dunbar – Penn Township  
Diane Figg – East Huntingdon Township  
Lee Kunkle – Greensburg Salem School District  
Bill Porter – Southmoreland School District

Ms. Heming stated that since most municipalities are undergoing their budget process, she spoke with Mr. Koluder and Ms. Perez regarding a draft TCC budget. Ms. Heming checked with an insurance company, an auditor, and a solicitor and derived an estimated 2010 budget in the amount of \$60,000 to \$70,000. The greatest cost will be the Solicitor, as most of the budget will have to fund legal work. Other items such as mailings and legal advertising were included also. Based on the group that was received from the DCED, if \$60,000 was taken and applied to the percent that is a school district’s or municipality’s earned income collection, not the weighted vote, but the percentage of the earned income collections’ total, this would comprise the budget.

Some of the very small municipalities weren't even a \$100. Ms. Heming will suggest to the Finance Committee that there should at least be a minimum of \$100 that a school district or municipality must pay into the budget. This should provide the TCC members with an approximate amount in which to budget for Year 2010.

RFP Committee – Main duties include preparing the RFP (for TCC Board approval), preparing the advertisement, publicly receiving the RFP's, evaluating the RFP's, and making a recommendation to the full TCC Board for their approval. The tax collector must be appointed by September 15, 2010.

Dan Watson	– Greater Latrobe School District – Chair
Dave Amatangelo	– Rostraver Township
Peggy Gillespie	– Kiski Area School District
Margaret Graham	– New Alexandria Borough
Joe Koluder	– Derry Area School District
Becky Maruca	– Salem Township
Jim Morrison	– Municipality of Murrysville
Jim Meyer	– Greensburg Salem School District
George Safin	– Franklin Regional School District

Tax Appeals Committee – A Tax Appeals Board must be formed by June 1, 2010. The Committee's main duty is researching and devising a process by which to select persons for the Tax Appeals Board. Three persons will be selected from the entire TCC to hear citizen appeals.

George Safin	– Franklin Regional School District – Chair
George Stoves	– North Irwin Borough
Peggie Watson	– Irwin Borough
Allison Willis	– Mt. Pleasant Area School District

### **Other Business:**

Audience Member No. 1 – Inquired if the TCC Meeting was legal in terms of procedural process e.g. roll call. Mr. Koluder stated that yes, the meeting was legal and that no voting took place until a quorum was present.

Audience Member No. 2 – Inquired about voting: Will different sized municipalities have lower representation than others? How is the TCC handling voting? Mr. Koluder expressed that the law states that every municipality and school district may appoint a delegate and up to two (2) alternate delegates and each vote is weighted based on population and earned income tax collections. Mr. Koluder offered that the listing of the aforementioned information was made available at the October 21, 2009, TCC meeting and was currently available to all members. Mr. Koluder noted that the Bylaws Committee will address the voting issue; however, until the Bylaws are adopted, the TCC will follow the state law. Mr. Koluder noted that the Bylaws Committee did agree by consensus that there should be equal representation from the school districts and the municipalities and that the 86 delegates must be reduced to a smaller number.

Audience Member No. 3 – Inquired about the TCC having a smaller number e.g. 17 people. Who would decide what 17 people they would be? After choosing 17 people, the other 69 people who have been appointed, have basically been appointed for no reason at all. Mr. Kouluder responded that every single person who's been appointed to the TCC will have the opportunity to vote on the Bylaws. The entire TCC will have input on the Bylaws and each Committee's recommendations. Mr. Koluder noted that according to the Act 32 guidelines, in the fall 2010, all the municipalities and school districts would have to reappoint new delegates. Audience Member No. 3 broached the concern that the weighted vote would determine the Bylaws, whereby larger municipalities and school districts, of which he is included, vote and determine that the TCC would be 17 people and all the other people would be left out in the cold. Mr. Koluder recalled the discussion he led at the October 21, 2009, TCC Meeting on having equal representation from the school districts and the municipalities. He stated that each area would have to appoint a delegate. For example: Greensburg Salem School District could appoint someone and then all the municipalities that comprise the area would have to appoint one delegate. Audience Member No. 3 noted that if the TCC is reduced to 17 (or whatever number is selected) that there should be no weighted vote. Ms. Heming stated that the Bylaws Committee discussed that very point. Ms. Iezzi suggested that perhaps the Boroughs Association could pick somebody out of their Association to represent all the Boroughs.

Audience Member No. 4 – Directed his comments to the Bylaws Committee and the Finance Committee – He requested clarification on how much money each school district and municipality must contribute to the TCC budget based on a percentage of earned income tax collections. Ms. Heming, Ms. Perez, and Mr. Koluder responded that the state dictated the guidelines in Act 32.

Audience Member No. 5 – Inquired to Ms. Heming as to the highest number for the TCC budget contribution. Ms. Heming stated it was \$4,400. Further, she stated that the Finance Committee will recommend a minimum level of contribution and bring to the TCC for consideration. Mr. Koluder conveyed that the TCC members may be billed a partial amount in early 2010 so that the TCC can function and pay necessary bills.

Audience Member No. 6 – She conveyed that she'll be attending a webinar on Act 32 and will provide the TCC with any pertinent information.

**Public Input:**

There was no public input.

**Committees:**

Mr. Koluder requested that the Bylaws Committee, Finance Committee, and the Tax Appeals Committee meet with the respective Chairpersons immediately following the TCC Meeting to select dates and times for future meetings. The RFP Committee will be contacted by the Chair, Dan Watson.

Once dates and times are selected, the Chairs should provide the information to Ms. Perez, who will coordinate the appropriate Legal Notice for publication.

Next TCC Meetings:

Mr. Koluder reminded the TCC that meetings will be held in the Commissioners Public Meeting Room at the Westmoreland County Courthouse, 2 North Main Street, Greensburg, PA, as follows:

All Meetings will begin at 6:30 p.m.

January 26, 2010  
February 23, 2010  
March 23, 2010  
April 27, 2010  
May 25, 2010  
June 22, 2010

There was no further business conducted by the TCC.

Mr. Gordon Stoves, North Irwin Borough, moved to adjourn. Mr. L. Bud Santimyer, Scottdale Borough, seconded. All present voted aye. Motion approved.

Time: 8:15 p.m.

Respectfully submitted,

Cherie Weber, PHR  
Executive Assistant  
Municipality of Murrysville