

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
Work Session Minutes
January 11, 2010**

The Dover Township Board of Supervisors held a joint work session with the Northern York County Regional Police Department and their municipal affiliates on Monday, January 11, 2010, which began at 6:00 PM in the Meeting Room of the Dover Township Municipal Building. Dover Township Supervisors present were Chairman Curtis Kann, Madelyn Shermeyer, Michael Husson, Duane Hull and Monica Love. Laurel Wilson, Township Manager; Atty. Rausch, Township Solicitor; and Dawn Slegel, Recording Secretary were also present. Other Municipal Officials present included Rita D'Ottavio, Lawrence Young, Del Hauck, and Lisa Wingert, the Supervisors of Manchester Township; Lance Biesecker, Supervisor of Paradise Township; Steve Tansey, Supervisor of Jackson Township; Stacey MacNeal, Solicitor of Franklin Township; and Todd Seidel, Council Member and Richard Pope, Mayor of Dover Borough. There was a special attendance by the 196th District State House Representative, Seth Grove. Northern York County Regional Police Representatives in attendance were Deputy Chief Mark Bentzel and Solicitor Joe Rudolf. There were 2 citizens present.

The purpose of this work session was to have the Northern York County Regional Police Administration answer questions regarding the terms of the police contract extension. Chair Kann had invited the other municipalities served by the Police Department. Copies of the Proof of Publication that the meeting was legally advertised were available for the entities in attendance.

Mark Bentzel, Deputy Chief of Northern York County Regional Police, reviewed the documents he had distributed. The packet of documents consisted of questions that the municipal officials emailed to him, the operation of other regional police departments in York County, frequently asked questions which included an explanation of the IACP staffing formula, a letter from John Vaughn, the President of the NYCR Police Officers Association requesting the current labor contract be opened to discuss the contract term, salary, and pension contribution, a signed agreement to extend the collective bargaining agreement and the terms, a copy of the Board of Commissioners Meeting Minutes for December 15, 2009, the Composite Charter originated in 1972 and amendments, Resolution No. 91-05 passed by the Board of Commissioners to adopt the International Association of Police Chiefs Guidelines, Resolution No. 99-02 establishing the Reduction of Services Policy, and copies of the 2009 and the 2010 NYCRPD Budgets. He expressed his appreciation for the opportunity to provide an explanation on some of these issues. He noted that many of the questions surrounded money. He indicated that the pension was the root of most of the budget issues.

Solicitor Joe Rudolf reported that the pension investment market fell drastically at the end of 2008. State law mandates that Municipal Pension Funds take a snapshot of the status of the fund in January of every odd numbered year comparing the previous year on advancements, losses, and change of benefits. The increased pension contribution in 2009 was attributed to the 25% loss in 2008 and the death of an officer which ascribed the Killed in Service Benefit. The passage of Act 44 in September provided some relief. Informal discussions were held with the Police Officers about increasing their contribution to the pension fund which are fixed by collected bargaining. The current contract which set the amount would not expire until December 31, 2011 whereby a letter was received in October

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by John Vaugh (listed above) to renegotiate certain areas of the current labor contract. He stated that he believed there was only one negotiation session. He addressed how the negotiation committee from the Board of Commissioners was appointed. The Commission viewed this opportunity as a way to generate additional revenues so member municipalities could reduce their payments to the pension fund. Those negotiations resulted in an agreement to extend the contract three additional years until December 31, 2014 with a salary increase of 3% the first year, 3 ½% the second year, and 3 ½% the third year, and the officers' contributions were increased from .75% to \$60 per pay. He discussed deferment of that decision to a later time would have involved losing approximately \$5,000 in contributions for the month of January or the Police Officers' deciding to renege on the deal. He offered his opinion that an additional \$50,000 per year was generated of new revenue which would reduce constituent members' payment to the pension fund by \$50,000 by the monies instead of coming from the Officers' pocket in 2010 to 2011. In exchange, a wage deal was agreed on for 3% for 2012, 3 ½% for 2013, and 3 ½% for 2014 or 10% over three years. Atty. Rudolf acknowledged that it is the lowest increase in wages for NYCPR since 1990. He asked for any additional questions at this time.

Supervisor Husson of Dover Township questioned the loss of pension funding last year.

Atty. Rudolf clarified that the pension fund lost money in 2008.

Supervisor Husson continued indicating the loss was due to where it was invested.

Atty. Rudolf concurred that statement was correct.

Supervisor Husson commented that to adjust that loss the budget had to be increased \$180,000 to recover the loss in pension.

Atty. Rudolf agreed in a way but Supervisor Husson misstated it. He explained that each municipality receives Act 205 State money around August or September each year. In a trade off, municipalities need to perform an actuarial evaluation of the health of their pension funds based on the standings of odd numbered years compared to the status of the funds the previous years. That's where the shortfall was determined.

Larry Young of Manchester Township questioned that only one negotiation session was held.

Atty. Rudolf replied this was his understanding, but that he was not present at that meeting.

Supervisor Young asked Chief Bentzel whether it was in time to make the October Commissioners Meeting.

Deputy Chief Bentzel responded that he believed the negotiations took place on November 12th. It was reported at the November Commissioners Meeting.

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Supervisor Young inquired whether it could have then been reported back to the respective municipalities.

Deputy Chief Bentzel reported that the agreement was not drafted by the November Meeting.

Supervisor Young questioned whether the terms were agreed upon with the negotiation team and the police officers at that November Meeting.

Deputy Chief Bentzel answered affirmatively.

Atty. Rudolf added that around December 1st, someone sent him the first draft to review and comment. There was a change in the Pension Law known as Act 51. It also went to the Police Union Lawyer who claimed his Police Officers did not know about this Act. They met and approved the version that did not contain Act 51. Act 51 was removed and wording was tweaked. The draft was completed on the week prior to the December Commissioners Meeting. Those materials were sent to the Commissioners Wednesday before the December Meeting.

Supervisor Young stated his issue with finding out Tuesday afternoon that it was to be voted on that evening. He was being asked to approve something which he did not have time to read because copies were not circulated in a timely manner. He requested it be tabled for one month. He was told that the matter could not be tabled which the Commissioner Meeting Minutes of December 15, 2009 indicate that it could have been tabled. He asked whether there was an indication that the Police were going to withdraw their contribution offer if the matter was tabled in order for the municipalities to allow their Boards to approve the agreement.

Deputy Chief Bentzel responded negatively that there was absolutely no indication. He suggested that these types of documents could be emailed for future reference and quicker access.

Chair Kann of Dover Township inquired whether the municipalities have to standby the shortfall of the pension.

Atty. Rudolf replied that the pension fund is controlled by the "Regional". The State pays the money pursuant to Act 205, but the purpose of these evaluation reports is to insure that there is funding for the Minimum Municipal Obligation that is calculated by the actuary. The analysis is in Act 205.

Chair Kann questioned Chief Bentzel on the total contract raise the Officers received as being 4% in 2010, 4.25% in 2011, and then consecutively 3%, 3.5%, and 3.5% annually which is a total of 18%. He questioned the Officers contribution into the pension fund.

Deputy Chief Bentzel replied that they are putting more than 2% into their pension fund. They are contributing an additional 1.25%.

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Atty. Rudolf noted that the Police Officers could have chose not to contribute any additional pension funds and they locked in 4.05% for salary increases three years ago.

Chair Kann commented that they are getting a nice raise compared to the working class, such as Harley Davidson and Social Security, etc. in the present economic situation.

Atty. Rudolf felt it was a decent Police Contract for the area. Most police contracts will see at least a 4% raise.

Lisa Wingert, Chairperson of Manchester Township, expressed that information was not communicated to the elected officials. It was not relayed from their Commissioner. The Manchester Township Manager did not receive the information either. She was thankful for this meeting. It was needed because there wasn't a line of communication. Hopefully, this meeting can result in an open line of communication so everybody will know. These meetings may need to be held periodically. She conveyed that there will be less MMO (Minimum Municipal Obligation) money from the State every year.

Atty. Rudolf clarified that Act 205 imposes a tax on insurance companies outside Pennsylvania. This is a dedicated tax. This money goes into the fund to determine the unit values. There is a possibility that the State will lower the percentage into that fund. The business entities purchasing insurance coverage were down in 2008 and 2009 and so that amount has decreased.

Supervisor Biesecker of Paradise Township excused himself from the work session to attend their Board of Supervisors Meeting.

Supervisor Hull commented that he had a news article regarding the West Manchester Police Department for comparison. They signed a three year contract with a 3.75% salary increase each year. He asked whether the NYCRP pension was invested at M & T.

Deputy Chief Bentzel replied M & T Investments.

Supervisor Hull questioned whether another investment firm could be sought that may do better with the investments.

Atty. Rudolf noted that their numbers were only slightly off. There was an economic crisis and everyone is recovering. The other issue of Act 44 is to impose a best practices on municipalities with respect to any fees paid out of their pension fund which requires strict bidding requirements and mandates that the most qualified bidder receives the award. It became effective December 18th. He expects the Act to be rescinded within the next year. If a new actuary, custodian for the fund, or an investment manager is hired, it triggers these bidding requirements.

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Deputy Chief Bentzel explained that they try to prepare for the unknown where the pension is concerned. No one could have prepared for what happened over the course of the last two years. The budget has the pension responsibility built into it as best as can be calculated. That's why they have a 6.19% increase in their budget because of pension. If the pension line item was removed from the 2009 and 2010 Budgets, they increase only 3.25% with a 4.05% increase in salary. He reported that 35 out of 50 line items were cut to keep the budget as low as possible. He noted instead of buying four cars, they will only be purchasing two.

Atty. Rudolf stated that future pension allocations will not be known until March of 2011.

Supervisor Wingert reported that Manchester Township's Budget decreased this year without the purchase of any new vehicles because they couldn't afford it. Their money is extremely tight. She believed their budget decreased 6.7%.

Supervisor Shermeyer added that Dover Township had a 13% decrease in this year's budget. The administrative staff did not receive a raise. She indicated that the Police budget is 40% of Dover Township's overall budget.

Deputy Chief Bentzel stated that he realizes everyone had to make concessions. They did too as best they could.

Supervisor Wingert recommended that they work harder on a 0% budget increase or a decrease for next year.

Supervisor Husson questioned the possibility of a layoff of police officers when the economy is distressed. He remarked on trying to justify to residents who are getting laid off or lost their job, that the police department is increasing their expenses.

Deputy Chief Bentzel said that this discussion topic would involve the reduction of services.

Supervisor Shermeyer stated her concern with how a municipality can be bound to not being able to reduce police services.

Deputy Chief Bentzel responded that Resolution 99-02 was signed by the Commissioners in office at that time. They agreed to use the International Association of Chief of Police Staffing Formula as a catalyst for the needed manpower.

Supervisor Shermeyer wondered how many elected officials knew about this resolution before it was enacted.

Supervisor Wingert added that their Township Manager did not even know this resolution existed.

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Deputy Chief Bentzel explained that the documents are presented to the Officials that sit on that Commission and they should be presenting them to their Boards. He cannot answer what these appointed Board members do with that information. The Commissioners receive a packet for each meeting every month which includes an agenda, the minutes, the Chief's Report, and the Financial Report. The hope is that the representative brings this information back to the rest of the Board.

Supervisor Shermeyer expressed that a Resolution which has a significant impact on municipalities such as this one should have been seen and discussed with the full Board prior to enactment.

Todd Seidel, Council Member for Dover Borough, commented that he remembered that this resolution was discussed with the Council in 1999. He noted that standards need to be set as in that agreement.

Supervisor Wingert concurred that something like that resolution which greatly affects a municipality should be taken by the representative back to the Board to be discussed so the representative knows how the Board wants that representative to vote. In 1999, their Commissioner did not bring that Resolution back to the whole Board for their approval. Because she sat on the Board then and he just signed it.

Deputy Chief Bentzel stated that this is an area where improvement is needed. They will work on getting materials to the Commissioners quicker and they will forward information to the Township Managers.

Supervisor Young informed of the convenience of the email system in creating a list for quicker information distribution.

Deputy Chief Bentzel reported that the packet is usually mailed on Tuesday.

Chair Kann noted that the packet is received on Friday for the Commissioners Meeting on Tuesday.

Deputy Chief Bentzel expressed that he is certainly willing to improve on communication.

Atty. Rudolf recommended that there may need to be new policies put in place whereby no resolution gets passed until it is taken to the whole Board for review and that elected officials attend some of the 2011 budget workshops which begin in July or August rather than receiving the finished version. The elected officials should also consider whether they want to amend the Charter with changes such as restrictions on reduction of services, voting, and number of votes per municipality.

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Chair Kann thanked everyone for their attendance.

The work session was concluded at 7:00 PM.

Respectfully submitted by:

Dawn D. Slegel, Secretary