

The Hanover Township Board of Supervisors held their **Special Meeting** on **Monday, March 7, 2011** at 12:00 pm at the Municipal Building. Those present were Donald Winkler-Chairman, David Duerr-Supervisor, Alfred Contumelio-Supervisor, Nancy Voelker-Vice Chair, Herbert Grubbs-Supervisor, Lane Turturice-Solicitor and Wendy Turrentine-Secretary/Treasurer.

Call To Order:

Pledge of Allegiance:

Questions on Agenda Items:

- Charleen Grey questioned whether a proposal from McDonald Police Department was reviewed.
 - Mr. Winkler stated that a formal proposal was not submitted
 - Mr. Turturice explained the current bargaining agreement which prohibits subcontracting
- Mr. Sabatasse questioned why a parking tax could not be imposed in place of an amusement tax
 - Mr. Grubbs explained that First Niagara Pavilion does not charge for parking
 - Mr. Sabatasse stated it was his opinion that the residents were being charged
 - Mr. Winkler asked to proceed with the agenda; it was stated that property tax was not increasing

New Business:

- Mr. Winkler stated the Board of Supervisors disbanded the Hanover Township Police Department at the December 29, 2010 meeting based solely on insurance costs.
 - There was a discussion involving previous deductibles and premiums.
 - Current insurance quote is \$105,055 premium with a \$50,000 deductible which provides \$2 Million in coverage.
 - Requested a legal opinion from solicitor Lane Turturice regarding the Township's options regarding the police department including subcontracting police coverage.
 - Mr. Turturice spoke with Lieutenant Fitcher and he was told PSP can not do traffic control and all calls will be queried based on priority.
 - Mr. Winkler stated that he had personally spoken to Commissioner Irely and the Director of Administration Scott Fergus. The issue of traffic control had also been discussed with Commissioner Maggi and he confirmed that they would not entertain the idea of having the county sheriff doing traffic control and/or policing the pavilion.
 - First Niagara Pavilion (FNP) was going to reduce their contribution to the Township due to lack of police coverage.
 - Mr. Duerr questioned how much less the Township would receive.
 - Mr. Winkler stated he did not get a definite number
- Senior Management at Live Nation did not oppose an amusement tax.
 - Live Nation wants to help stabilize the police department.
 - Eliminates contract negotiations.
 - 5% will be added to the cost of each concert ticket.
 - Live Nation agreed to advance the Township \$160,000 of the amusement tax.
 - They are proposing 22 shows this year and have already advised booking acts that the tax would have to be added into the ticket value.
 - Agreed to sit down by October 1, 2011 to discuss fees and taxes.
 - The percentage can be decreased at anytime by resolution.
 - The tax will be paid for by the ticket holders, not Township residents.
- Mr. Turturice read the Summary of the Ordinance.
 - It was stressed that the tax is paid for by the ticket buyer or venue, not the residents.

- Mr. Winkler read the letter of intent from First Niagara Pavilion and asked the Board and people in attendance if anyone thought the proposal was a bad deal several times.
 - No one in attendance made any statements against the letter of intent.
- Mr. Contumelio expressed his gratitude for Mr. Winkler's demonstrated allegiance to the Township.
- Lucille Burris stated that PSP is handling issues for her that the Township police could not.
- Andy Miller questioned what the parameters of the Amusement Tax would be.
 - Mr. Turturice stated that it was recreationally associated and would have uniform enforcement. He also stated that a draft would be ready in a few days.
- Dennis Niederriter questioned what other supervisors were involved in negotiations.
 - Mr. Winkler stated that he came back to the Board with Live Nation's answers
- Mrs. Cassidy named businesses in question.
 - Mr. Winkler stated that it would be in the paper and explained that no other business has been taxed because First Niagara Pavilion always paid a contribution in lieu of taxes.
- Mr. Winkler stated that the Township is limited on time with the insurance quote.
- Mr. Duerr questioned what premium is going to be considered too high?
- Mr. Turturice explained that there is a limit on the tax.
- Mr. Winkler said the situation was win, win, win.
- Mr. Winkler explained that we average one law suit annually and that the deductibles on all previous claims are paid.
- Mr. Duerr said that the Township is dependent on FNP and burdening the Pepsi Roadhouse, the fire department and golf.
 - Stated that money needs put into the roads, not the police department.
- Mr. Contumelio stated that the Township needs to enact the amusement tax.
 - Also that there have been no lawsuits stemming from the current administration.
- Mrs. Voelker stated that the amusement tax will effect the organization and/or ticket holder.
 - Also that she believes the Township can not do without a police department and that this is the best thing for the Township.
 - Mrs. Voelker also stressed the need for crowd and traffic control when there are 20,000 people.
- Mr. Duerr said that traffic control can be done by the County
 - Mr. Turturice asked if this service would be free of charge.
 - Mr. Duerr said that he was not sure.
- Mr. Turturice explained that it is the liability of the supervisors to protect the citizens.
 - He expressed his opinion that lack of action when it could be taken could lead to a lawsuit and that there needs to be control which is another layer of liability.
- Mr. Grubbs said that the supervisors' job is to keep people safe and that without protection, the Township is liable.
- Mr. Turturice asked the audience if they would prefer an imposed business tax or for millage to be raised.
- Mr. Sabatasse said that Mr. Winkler and Lane did a good job working on the solution and that the Township should take their advice.
- Mr. Grubbs said that the money is needed for the budget and that the largest entity affected wants the tax.
- Charleen Grey questioned whether the police would be for the Township or just concerts.

- Mr. Winkler explained that the police department will be back in service.
- Mr. Turturice explained that the tax ordinance will be flexible
- Andy Miller stated the Township needs to raise property millage and not burden businesses.
- Mrs. Voelker asked Mr. Turturice if the Township relied solely on PSP, would there not be an enormous liability with no protection.
- Mr. Turturice said that could happen.
- Chuck Cumblidge asked if the lawsuits stemmed from the police.
- Mr. Turturice explained the police department has been in the right and been sued.
- Mr. Cumblidge then asked if it would be the same force of officers would be returning.
- Mr. Turturice said that was the starting point because of the collective bargaining agreement.
- Mr. Sarraccino asked whether the tax would be across the board or just from FNP and asked about fine money distribution without our own department.
- Mr. Winkler explained the reduction in fine money since the current administration came into office and explained additional loss of revenue from not having a police department.
- Mr. Duerr asked if the Township received fine money from PSP.
- Mr. Turturice said that the Township does receive a portion of the money.
- Andy Miller questioned if there was a back up plan and also asked if the pavilion closes would that mean the police would then again be disbanded.
- Mr. Winkler responded by asking Mr. Miller is it not better to get money while we can.
- Mr. Donohue stated the Township lost money because the pavilion didn't want an amusement tax but now that they are down, it's ok.
- He went on to say that the personnel problem in the police department is Chief Geho but everyone is afraid to come out and say it. He also said that the finger should be pointed at Chief Geho and that he should be called to the carpet.
- Mr. Donohue continued by saying that the Township receives fine money and benefits from it and questioned why Chief Geho said that he couldn't fine people.
- Mr. Winkler stated that the goal for the Township is not to live on the fines and that the budgeted revenue from fines for 2011 is \$150,000, the same as 2004.
- Mr. Donohue asked when there are rough concerts why the police are directing traffic and not arresting people for DUIs.
- Mr. Grubbs stated that is why they close the sale of alcohol prior to the show ending.
- Dennis Niederriter asked Lane if there were any other proposals.
- Mr. Turturice said that the legal opinion he submitted to the Township could not be discussed publicly as it is not public information.

Motion: To approve the lease agreement of 901 Steubenville Pike between the Township and the Sewer Authority

Motion: Herbert Grubbs 2nd: Alfred Contumelio

Vote:

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes

Motion Passed

Motion: To authorize the drafting and advertisement of an Amusement Tax Ordinance

Motion: Donald Winkler 2nd: Nancy Voelker

Vote:

Mr. Winkler-yes, Mr. Duerr-no, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes

Motion Passed

Motion: To purchase the police liability insurance with Bill Fetcko as the broker of record

Motion: Donald Winkler 2nd: Nancy Voelker

Vote:

Mr. Winkler-yes, Mr. Duerr-no, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes

Motion Passed

-Charleen Grey questioned if the police contract had been negotiated.

-Mr. Turturice stated that the Township will have to abide by the past agreement for now.

-Mrs. Grey then asked if a new contract would be pursued without the Chief in the union.

-Mr. Grubbs explained that one supervisor did the administrative work to try to keep Chief Geho out of the union and that the Board at the time spent quite a large sum of money on the issue and a judge made the ruling that the Chief be permitted in the union.

-He went on to say that we don't have a borough code because we are a Township.

Motion: To approve the letter of intent with First Niagara Pavilion

Motion: Nancy Voelker 2nd: Alfred Contumelio

Vote:

Mr. Winkler-yes, Mr. Duerr-no, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes

Motion Passed

Motion: To reinstate the Hanover Township Police Department one day after receiving the insurance binder

Motion: Donald Winkler 2nd: Alfred Contumelio

Vote:

Mr. Winkler-yes, Mr. Duerr-no, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes

Motion Passed

Public Comments:

-Mr. Winker announced that First Niagara Pavilion will be holding a job fair at the Millsop Community Center on April 21st.

-It was announced that there was an executive session Thursday February 24, 2011 at 5pm and on Thursday March 3, 2011 at 12pm both regarding personnel and litigation issues.

Meeting Adjourned