

Penn Township Supervisor Meeting

October 18, 2017

Chairman Brenda Moyer called the 10.18.2017 Supervisor Meeting to order at 6:00 pm, followed by the Pledge of Allegiance.

Present included: Supervisors: Brenda Moyer, Jon Payne, and Solicitor James Bathgate
Excused: Secretary/Treasurer Jacqueline Anders.

Public Present: Isaac Ramer, Jan Ritter, Bill Kline, William Moyer, Dennis Mull, Robert Rachau, Harold Aucker, Natalie Shipman, Emily Shipman, Michael Lessman, Jeff Radel, Joey Radel, Max Gemberling, Brian Wentzel, Jim Wentzel, John Clark, Michael Clark, Ira Lessman, Beth Kapsar, Craig Doak, Steve Deckard, Ken Teats, Garth Shipman, Ginger Griffith, Dwayne Betzer, Shawn Wood, Kristine Horten, Bill Baney, Nancy Wentzel, Glenn Wentzel, Dan Kuruna, Joe Dubaskas, Steve Inch, June Brosious, Douglas Hammett, Darwin Swope and six illegible signatures.

Supervisor Moyer reported a budget workshop was held 10.11.2017 at 2:30 pm with Payne and Moyer present along with Sec/Treas Jacqueline Anders.

Approval of Minutes from October 3, 2017 Supervisor Meeting - On motion by Brenda Moyer, second by Jon Payne representing a quorum do approve the minutes of the 10.3.2017 Supervisors Regular Meeting with the following corrections:

On motion by Brenda Moyer, second by Pete DeWire and acclamation of the Board, to eliminate the Park Manager position and the Park Employee position - Monty Anders {park employee} and Pete DeWire {park manager} will go to the road crew as needed.

On motion by Brenda Moyer, second by Jon Payne to regrettably accept Pete DeWire's resignation as Penn Township Supervisor effective immediately, DeWire abstained from the vote.

Amusement Tax Ordinance - Attorney Bathgate presented to the audience Penn Township's history of the Amusement Tax Ordinance, noting Tax Enabling Act does allow Penn Township to collect amusement tax. Tax is collected on patron/customer, not the operator. The original ordinance established in 1991 and revised in 1992. Township is currently considering addressing loopholes as some entities do not charge a fixed admission, Penn Twp could look at a formula for when a fixed admission is not charged. Considerations for revising would include, current ordinance allows for broad exclusions for non profits and need to clarify, currently have a 91-1 and 92-2 ordinance with regard to amusement tax and a revision could repeal and replace those with just one ordinance. Township needs to determine what exemptions they must permit, examples:

1. Organizations recognized by the IRS as a 501 (C)3 entity, a 501(C)3 designation is narrower than an entity identified as a "non profit"
2. Admissions to any government and school amusements when proceeds go directly back to the government entity of school.
3. Admissions to amusements sponsored by religious organizations purely for public charity.

To reiterate Penn Township's intent is NOT to change anything with regard to the Selinsgrove Speedway, churches, religious organizations, schools, and government entities. Moving forward the:

1. BOS must finalize a draft and approve
2. Must advertise any revision for adoption three consecutive weeks and supervisors could convene to allow further public comment
3. Currently, the Board is short one board member and will not move in either direction until there is a full board in place.

Persons Present to be Heard:

Mike Lessman - representing the Middlecreek Valley Antique Assoc shared their concern about the current amusement tax, any proposed changes, and noted MVAA is a 501(c) 3, calling for continued exemption from the tax. Lessman explained this group continues to impart historical education and does charity work. Lessman noted the Township really needs to look at who is being taxed and who isn't, cited case law and provided to the solicitor information he researched with regard to who and how this tax can be applied. Lessman suggested the Township keep the ordinance "as is" and enforce it or abolish it completely. Lessman noted this proposed revision would have negative effect on the township long-term.

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Brian Wentzel – representing the DHL Fire Company, Wentzel also shared concerns of the fire company with any changes to the amusement tax ordinance and how changes might impact any events held by the fire company. Original ordinance has exemptions and why try to place hardships on those trying to do good. Wentzel questioned why the bowling alley was not identified in the proposed, Bathgate noted in 2002 a legislative provision allows for exemption.

Jeff Radel – representing the Snyder County Tractor Pullers, expressed concern that a letter to Penn Township dated May 4, 2017 received no response from Penn Township while BOS minutes from 6/7/2017 indicated this would be done. Per the 6/7/2017 minutes:

On May 11, 2017, Penn Township received a letter from SCTPA (Snyder County Tractor Pullers Association, Inc), stating, per their understanding after conferring with an accountant they do not fall within the parameters of an organization required to obtain an Amusement Tax Permit and forward such tax to the township. The SCTPA use the "show grounds" of the MVA along Old Colony Road to hold events.

The Solicitor will research the LST Code to see if municipalities must except out certain events of organizations that hold a Not for Profit Status.

On motion by Pete DeWire, second Jon Payne and acclamation the township solicitor will research the LST law and prepare an updated and revised Amusement Tax Ordinance. The Solicitor will also prepare a letter requesting additional information from the SCTPA about their events and how the "not for profit" uses the monies collected.

Radel further explained the SCTP are not a 501(c)3 and any monies collected are used for insurance, radio ads and the purses awarded at tractor pulls.

Radel also presented to the Board a Letter of Interest to fill the supervisor vacancy.

Bill Moyer – asked the amount of monies collected through amusement tax. It was noted @27K from the Speedway and @1,100 from SCTP annually.

Harold Aucker – representing the Selinsgrove Post of the VFW also expressed concern with and changes to the amusement tax and how changes might affect bingo etc. Aucker also questioned if and how the VFW would be responsible using a recent car show held at the VFW as an example. The solicitor explained the promoter of the car show should apply for an amusement tax permit through Penn Township.

Garth Shipman – Currently two entities are paying, who evaluates who gets taxed, Shipman question why entities such as the Adult Book Store or the kayak rentals and banquets facility business on S Market are not paying. Shipman also questioned whether the one percent (1%) Admin Expense fee was being returned to producers. It is determined these fees are returned.

Beth Kapsar – Kapsar used the car show at the VFW as an example, if the proper steps were taken as described in the ordinance you would know the promoters of this event are a for profit entity and should be paying amusement tax. Procedures should be part of daily operation of the township.

Dwayne Betzer – representing the Selinsgrove Fair Association expressed concern that the DRAFT ordinance in circulation excluded an important sentence that was within Ordinance 92-2, specifically "excluding any charge for insurance to persons admitted to the pit of a motor vehicle race". Betzer was assured this was an oversight and the Township had no plans to change that exclusion.

Steve Inch – representing Speedway Management Group reiterated the concerns of Betzer and was pleased there are no changes proposed the might affect the Speedway but would welcome any reduction in the tax.

Darwin Swope – noted as an interim Supervisor in 2002 his record would show he was in favor of abolishing the Amusement Tax Ordinance, noting the ordinance was singling out entertainment and questioned what service Penn Township provides that would demand to have the amusement tax.

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Beth Kapsar – Kapsar asked the amount of donation to DHL from Penn Township (\$50K annually from the General Fund) and as noted by **Ira Lessman**, Penn Township also pays 1/2 of the Workman's Comp Insurance for DHL (\$10K). Kapsar went on to say, we must be clear, this is not a "Speedway Tax" nor a "resident tax", but a tax on anyone visiting an "amusement" with a portion passed on to Penn Township for general use.

Jan Ritter – Ritter presented a question to the Board from Mr. Clair Ritter who wanted to know how much amusement tax the township collected from East Snyder Park. Payne stated we collect user fees, not amusement tax. Ritter stated the park cost the taxpayer's money and the Speedway does not cost taxpayers anything and the tax collected from the speedway in some respects pays for the park. It was explained amusement tax is not earmarked to pay for any certain thing, including the park. Amusement tax monies are applied to the general fund for the general running of the township. Ritter went on to reiterate the Speedway costs taxpayers nothing, while the East Snyder Park does cost taxpayers money to maintain and has grown into a white elephant used by certain people and the Speedway is attended by many kids who could otherwise be getting into trouble. It was explained to Ritter Penn Township is obligated to maintain East Snyder Park.

Attorney Bathgate - at this time Penn Township will:

1. follow the Amusement Tax Ordinance currently in place
2. consider all comments for a proposed revision if desired when a full board is in place
3. township needs to be sure those who should be taxed are submitting an application

Jim Wentzel – questioned the time frame if any revisions were to move forward and looked for assurance those affected by possible revisions would be contacted. Wentzel was assured those who left contact information would be contacted.

Reports:

Roadmaster, Isaac Ramer

- Ramer provided a written report dated 10/18/17 and a proposal for a NO PARKING area and safety posts for in front of the township building.

Secretary/Treasurer, Jacqueline Anders

- AP reports were provided by secretary.

Zoning Officer, Ray Cerezo

- No report provided.

Emergency Management Coordinator, Fred Ulrich

- No report provided.

Solicitor, Jim Bathgate

- Nothing further at this time.

New Business:

CSVT Meeting – an email invitation was presented to the Board to attend a discussion of the US11/15/US 522 proposed interchange designs.

Amy's Angels, Tournament Fees – a scheduled tournament was unable to be held and group requested return of fees paid or a carryover of fees to 2018. **On motion by Jon Payne, second Brenda Moyer, representing a quorum, the fees (\$500 + \$100 deposit) shall be returned to Amy's Angels this time.** Concern was noted whether other rental opportunities missed due to a reservation held by Amy's Angel's.

Zoning Permit Fees - **On motion by Jon Payne, second by Brenda Moyer, representing a quorum, Penn Township will incur a \$10 fee to allow fees for a zoning permit for the Susquehanna University solar project to be wired to the Penn Township General Acct held at the Mifflinburg Bank.**

Old Business:

Land for PTMA water tank and existing stand pipe rehabilitation - **On motion by Jon Payne, second by Brenda Moyer, representing a quorum, Penn Township will accept a fee of one dollar (\$1.00) for the .22 acres of Penn**

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Township parcel 13-03-026, this necessary to build a new water tank to serve the residents of Penn Township and aid in fire protection, reiterating Penn Township will also waive the zoning/subdivision application fees for the PTMA to acquire a portion of the Township's land for the water tank and existing stand pipe rehabilitation.

Public Comments:

Steve Deckard and Craig Doak – representing the Management Group for Graysonview Homeowners Association, voiced concerns with regard to the paving 2017 paving project in Graysonview that resulted in low areas at many driveways and have raised concerns with residents. Moyer read from the 10.18.17 report presented to the Board by the Roadmaster Isaac Ramer referencing the Graysonview project. This reports Ramer is looking ways and pricing to address the concerns.

FYI/Follow up:

The Board was provided documents on the following:

1. DH&L Jan 2017 - Oct 2017 minutes, 2017 budget vs actual, 2018 proposed budget
2. Meck-Tech Incorporated - Monroe Township Excess Maintenance Agreement with UGI Sunbury, LLC
3. Towne Answering Service flyer
4. Snyder/Union 9-1-1 Consolidation
5. Thirty-Day notice of estimated renewal premium - Work Comp
6. Mifflinburg Bank & Trust pledge report

At 7:18 pm the Board assembled for an executive session to discuss personnel issues and legal matters.

At 8:08 pm the Board reconvened with no decisions made in the executive session.

On motion by Jon Payne, second by Brenda Moyer, representing a quorum, Moyer shall be paid for attendance to a Dirt and Gravel Road seminar, as the assistant secretary, to receive a 5-year recertification, allowing Penn Township to apply for grant monies.

Additional Public Comments:

Beth Kapsar – Kapsar asked if an audit had been performed with the resignation of Supervisor DeWire and whether his name has been removed from all Penn Township bank accounts. The Board noted an audit had not been scheduled and were unsure if the process to remove DeWire from all accounts had begun. This information will be provided to the secretary to execute.

Approval of Accounts Payable - On motion by Jon Payne, second Brenda Moyer, representing a quorum, the Board will pay the bills.

On motion by Jon Payne, second by Brenda Moyer, representing a quorum, the October 18, 2017 Supervisor Work Session was adjourned at 8:18 pm.

Respectfully Submitted,

Brenda Moyer
Assistant Secretary