

Gregg Township Town Hall Meeting

December 5, 2018

Supervisor Keri Miller's Address to the Community

Good evening, everyone! Thank you for coming out on such short notice but due to some recent events we felt it was necessary to make everyone aware of what has been going on in the township over the last year, the current state of the township as of this moment, and the impact this will have as we look forward to 2019. After we share the information with you, we welcome you all to ask questions and we will do our best to answer them.

Over the last year, we have had some great steps forward. I want to share some of those things because they are what I believe our township is about and why I wanted to be a Supervisor. The biggest improvement we achieved this year was our means of communication. If you haven't looked through the township website www.greggtownship.org please do so. Jen worked very hard making sure information that is important to the community was available and easily accessible. Sign up for e-alerts so that you will receive email notifications when things are going on in the township, especially urgent alerts for things such as weather-related warnings or road closure notices. The ordinances are all available in a searchable format on the website as well as video recordings of our Board of Supervisors meetings so that if you are unable to attend the meeting you can keep up with what the board is discussing. A lot of other great stuff – just go check it out for yourself. We have also increased our social media presence on Facebook and Instagram to interact more with the community and provide important information like PennDot updates on the 322 roadwork that could impact our commutes. The latest project, and one that is just waiting for the draft to approve, is the Community Information Guide & Map. The map, at no cost to taxpayers thanks to the support of local businesses advertising in the map, shows all the roads in the township, local destinations, and information about the township and local services. Financially, the township saw very few items over budget, with the exception of solicitor fees, winter maintenance, employee related expenses due to filling the full-time assistant roadmaster/equipment operator position, and the \$25,000 to the EMS. Several areas were underbudget. The Old Gregg School has seen increased revenue due to ever-increasing usage of the facility and dedicated volunteers. Because of this gain, the township had enough reserves from the OGS fund that we were able to use \$8,000 out of that fund as part of our \$25,000 commitment to PVEMS for this year. The roadcrew did an incredible job this year applying for and securing several grants, completing 3 major road projects on other minor projects, and keeping up with the repair and grading of the roads even with all the record-breaking rain. Last month, the road crew was already out several long days, nights, and weekends to keep our roads safe during the already crazy winter weather. There are great things going on in the community with growth in volunteers for the fire company, new businesses opened this year, and there are several non-profit organizations that are providing great services to youth and adults.

There are many more positive improvements township wide, but there is much more that we would have liked to have done to better serve the community if our time, efforts, resources, and finances weren't being tied up elsewhere. Along with all the usual work of the township, we saw an increase number of right-to-know requests, 90 received this year to be exact - the township is at 164 requests total received since 2008. That equates to 74 requests over a 9-year span, 2008-2017, and then 90 in one year, 2018. One each from Mr. Moore, Mr. Lehew, Mr. Grady, Mr. Wilson, Anonymous, Mr. Magedeleno, and a Stefani, 2 from Ms. Albertson, 3 from Ms. Gingrich, 5 from Mr. Grove, 8 from Mr. Yakim (as a side note, Mr. Yakim lives just outside of Pittsburg) and 66 from Ms. Grove. In our small community, we used to be able to call the office or stop by and ask for information we needed without filling out a form and having a formal process. What would make the information more accessible than being able to walk in and ask a question? Unfortunately, it only takes a few issues to give reason for protecting the township by having a formal process - to have a record of what was requested, and the response should there be accusations of foul-play. The current RTK law was signed into order in 2008, with the very noble and vital goal of providing a means for better access to information by the people and create more accountability of the government. What the law doesn't account for, is the impact that serial requestors have on the operation of small townships, ultimately costing the taxpayers. I'm going to read through what some of the requests were so that everyone has a small glimpse of what is being requested. All the requests since the last day of April are

available on the website and I encourage the community to go read through them. We have even had multiple requests and appeals from someone who lives near Pittsburg in connection with other requesters. But that is not the whole picture. I want to reiterate that access to information is very vital in a healthy, accountable relationship between the township and the community. We do not want to discourage requesting information, we simply are providing the community with data and an understanding of the process. Once a RTK request is filed, the township either grants the request and provides the records or denies the request. Of the 90 requests we have received this year, 66 have been granted and all the records have been given, only 13 had been denied – 8 of which were denied for security concerns due to being requests for security footage and 2 for attorney-client privilege, the other 3 denied were by an anonymous person or corporations asking for real estate information not available through the township - one was misdirected, 5 were recalled by the requester, and 5 were a combination of granted in part and denied in part. An example of the ones that have been denied are... (information read from RTK Request). Pointing out the answer to a question we receive regularly, no we cannot charge ANYTHING for RTK requests and their potential subsequent appeals, other than for records that are not already electronic and which the requester asks for a physical copy of and does not just decide to take a picture of it or make a copy of it themselves. At which point a 25 cent per page would be collected, as well as postage if it is to be mailed, etc. After the township responds, the requester may then appeal the township's response to the Office of Open Records in which an appeals officer/attorney is assigned the case. When the secretary and I attended another RTKL training, this time in Harrisburg by the Office of Open Records, the director of the OOR made a comment that of all the RTK requests across the state, only 2% are appealed. We have had 31 requests appealed, which is 34.444 %. 1 was appealed by Mr. Lehew, 1 by Mr. Grove, 3 by Mr. Yakim (again, who lives just outside of Pittsburgh), and 26 by Ms. Grove. A far cry above the state average of 2%. 19 of those appeals were for requests that we provided the requester with all the records that exist, 2 were partially granted and partially denied, 8 appeals were for requests of security footage, and 2 appeals were requests for our attorney-client privilege emails. Once the appeal is received, there is a date set for the requester to say why they believe the township was wrong and for the township to submit sworn affidavits and attestations under penalty of perjury as to prove that no other records exist, in reality having to prove a negative – how do you prove a negative? Or the township has to defend why we denied the request. This is a legal matter. The solicitor is to be involved in all legal matters regarding the township. At which point, the OOR appeals attorney goes by their interpretation of the RTK law and makes a determination, either denying the requesters appeal or granting it saying that the township did not meet its burden of proof and we need to turn over all of the records, even if there are no other records. Out of the 31 appeals, 12 have been denied by the OOR to the requester, 9 have been granted, 2 were dismissed, 5 have been some combination of the two, 3 have a due date in the future, one of which is still pending for an undefined amount of time because the township had to provide a log which detailed each and every one of many of my emails for the OOR to determine whether they were properly withheld as Attorney-Client privilege. Once we have a determination from the OOR that is granted to the requester, the township then makes a decision based off of the solicitor's recommendations. Either we send a letter stating that all responsive records have already been provided, or if they are records that we withheld, such as security footage or attorney-client privilege emails, we then decide to appeal it to the court of common pleas. So let me back up for a moment before getting into where the township is with the court system and talk about the amount of time it takes the secretary to fulfill 90 requests, organize the information for 31 appeals and track dates of when everything is due because everything has different timeframes, all the while answering a barrage of emails or visits to the office regarding requests and appeals. The secretary of the township worked full time completing regular township business, so 40 hours a week. With the influx of requests and appeals, the secretary spends on average 15-20 hours a week (some weeks far more), on the RTK stuff. In financial terms, that equates to about \$13,806 if we go with the low end of 15 hours even though some weeks it was 20-30 hours. This means that there is something that won't get done or as well as it could be and has a direct financial impact. Okay, back to the court issue. We believe strongly in the safety and security of this building and the many, many people who utilize it. It defeats the purpose of having the security cameras if the camera angles appear on the internet. There are several reasons that we want to avoid setting further precedence for releasing security footage to the public for non-criminal investigation, the main one being that there are youth at the youth center that are in foster care and it endangers their safety if their whereabouts are disclosed publicly. So, the Board of Supervisors takes all security footage determinations to the Court of Common Pleas, as well as Attorney-Client Privilege determinations. At this point, once

we file the 3 we decided on last week, we will have 5 RTKL determination cases in the Court of Common Pleas, as well as the lawsuit that was filed against the township and the secretary who was personally named in the case. Already this year, we have had a security footage case that was appealed by the requester to the state Commonwealth Court, who ruled in the requesters favor even after the township had won the case at the Court of Common Pleas, due to the township not providing enough evidence that it would jeopardize the safety of the building since it was one camera angle. Mind you, we have since received a number of requests for several other camera angles. We then petitioned the courts for re-argument because the township never had the opportunity to plead the case at a trial, but the petition was denied. We had not received the court's denial by some error we still have not resolved. We were made aware of the denial only once the requester came into the office and told us. Therefore our timeframe to appeal the case to the state Supreme Court had lapsed. While still within the appropriate timeframe to provide the records ordered by the court, the township turned over the video footage to the requester who has since posted it on YouTube. All the court case information is available if you want to read the briefs and rulings. If we add all the secretary's wages spent on RTK - \$13,806 - and the solicitor expenses totaling \$10,442.28 only for January through September on RTK for just this year, the township has spent, at a MINIMUM, \$24,248.28 on RTK so far this year, with 3 more months or ¼ of the year worth of solicitor bills that will be added to that number. This does not include all the time the supervisors, other township staff, and appointed board members have spent searching for records, mostly emails, and providing those to the township.

Let's move to where the township is today. 2019 Budget. Contrary to rumors that I heard from a number of people, at no point this year did I say I wanted to, nor was going to raise property taxes. In fact, I was the one who cut several thousand dollars out of the original proposed budget. You will notice that the health insurance line item has significantly increased from last year's budgeted amount. We have filled a full-time employee position on the road crew that had been vacant noting that we will be overbudget, as well as the expected ridiculous rate increase overall from the insurance companies. This is not a unique problem to Gregg Township. Health insurance for EVERYONE has seen high rate increases. We are not going to increase the amount that the employee pays because that would be the equivalent of giving the employee a pay cut. Employees are the most important asset and will be the largest expense! Otherwise it doesn't matter if we budget for roadwork or plowing or information requests, because there will be no one to do the work! We are already underpaying as compared to the same positions in townships of the same populace as ours, and a 3% raise does not bridge that wage gap, but it shows that we do value our employees and the great job they have been doing. If we don't treat our employees well, how can we expect good employees to stay, let alone get qualified applicants in order to avoid costly turn over and have to spend money on advertising the position? Our solicitor expense line item has been increased from \$6,000 to \$13,000, even though we are currently at over \$13,000 for 2018 with 3 more months-worth not yet billed for this year, and next year we will have 6 cases in the court of common pleas going into 2019. Those are the major increases in the budget this year. No recreation expenses other than what is in the Rec-fee-in-lieu (which is not generated from property taxes), no additional employees other than the current positions, and we even eliminated a part time assistant position. The LST tax has been adopted and will go specifically to the PVEMS, and still does not generate the equivalent of a half mil which for Gregg is \$25,000. Should we come under budget in certain line items that we have estimated high on, and gauge where the general fund balance stands, we would then be able to provide the rest of our half mil. I can not speak for the other board members, but I am confident that we will do what ever is necessary to keep the PVEMS serving our community.

That is an overview of where we are financially. Now lastly before we open it up for questions, let's talk about where we are headed and why, some of which will greatly affect the township financially but more importantly who we are as a community. For far too long, we have succumbed to fear and intimidation, and the community can no longer afford to keep going in this direction. The Gregg Township I believe in, which is the people I serve and those who serve along side me, will not be defined by fear any longer. Residents who won't come to a meeting for fear of their safety because of what they see on the internet. Employees, volunteer board members, and supervisors who fear that since there is a video camera in our face constantly that every word that is said will end up edited on some video or taken out of context on the internet or in a lawsuit. Or our neighbors and friends calling us concerned about potentially threatening videos. Or emails that say if you don't do this we are going to do X, or if you do this then we are going to do X. The internet is

forever. My family, my children, my business is at risk by the false accusations and statements scattered across the internet. Unfortunately for us as a community, this comes a little too late, as the township secretary has officially put in her resignation and 2-week notice today. An employee should not have to endure the hateful ridicule in person, via email, through the RTK appeal correspondence, and on Facebook, websites, and newspapers, that she endured with grace and dedication for the last 2 years while doing her job that we the Board of Supervisors are ultimately responsible for. We have failed her. Sure, we will find another secretary, but the value Jen brought to our community, a township she doesn't even live in, will be sorely missed. Her skills, knowledge, dedication, service above and beyond the job description, not only at Gregg Township but at the county and state level, will be a ripple that will affect us all. It will cost us not only in the level of service we provide, but in the financial side as well, with the cost of turn over and training. Not to mention that sadly for Jen, she will be tied up with the township and the lawsuit for the foreseeable future. We thank her for her nearly 8 years of serving our community.

Tonight, is for the community to gather information and decide what kind of place we want Gregg Township to be. People have a right to say what they want to, but there are consequences to our decisions whether it is our right or not. Unfortunately, the people of this community are paying the price. I love people, I care deeply for all of you, and I love serving using my skills, experience, and willingness to learn and listen. But if we, that truly care about the people, can't serve in public office and change the negative view of government without being villainized to the point that it is not worth the effect on our families and our lives, it is a sad day for all of us, because only selfish, self-serving people will take the positions. We believe we are fighting so hard to preserve our rights, but we will end up losing more when we drive away those who care about people and not the power.