

**2017 ACT 44 DISCLOSURE FORM FOR ENTITIES PROVIDING  
PROFESSIONAL SERVICES TO THE  
Mifflinburg Borough 'S PENSION SYSTEM**

CHAPTER 7-A OF ACT 44 OF 2009 MANDATES the annual disclosure of certain information by every entity (hereinafter "**Contractor**") which is a party to a professional services contract with one of the pension funds of Mifflinburg Borough (hereinafter the "**Requesting Municipality**"). Act 44 disclosure requirements apply to *Contractors* who provide professional pension services and receive payment of any kind from the **Requesting Municipality's** pension fund. The **Requesting Municipality** has determined that your company falls under the requirements of Act 44 and must complete this disclosure form. You are expected to submit this completed form, to the Requesting Municipality below, by **December 15, 2017**. If, for any reason you believe that Act 44 does not require you to complete this disclosure form, please provide a written explanation of your reason(s) by **December 15, 2017**.

**RETURN COMPLETED**

**DISCLOSURE TO:**

Mifflinburg Borough  
Attn: Ms. Margaret A. Metzger  
120 N. 3rd Street  
Mifflinburg, PA 17844  
570-966-1013  
miffmgr@dejazzd.com

**REQUIRED UPDATES:**

Where noted, information in this form must be updated in writing as changes occur.

## DEFINITIONS FOR DISCLOSURE

TERM:	DEFINITION:
CONTRACTOR	Any person, company, or other entity that receives payments, fees, or any other form of compensation from a municipal pension fund in exchange for rendering professional services for the benefit of the municipal pension fund.
SUBCONTRACTOR OR ADVISOR	Anyone who is paid a fee or receives compensation from a municipal pension system – directly or indirectly from or through a contractor.
AFFILIATED ENTITY	Any of the following: <ol style="list-style-type: none"> <li>1. A subsidiary or holding company of a lobbying firm or other business entity owned in whole or in part by a lobbying firm.</li> <li>2. An organization recognized by the Internal Revenue Service as a tax-exempt organization under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501 (c) ) established by a lobbyist or lobbying firm or an affiliated entity.</li> </ol>
CONTRIBUTIONS	As defined in section 1621 of the act of June 3 <sup>rd</sup> , 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code
POLITICAL COMMITTEE	As defined in section 1621 of the act of June 3 <sup>rd</sup> , 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code
EXECUTIVE LEVEL EMPLOYEE	<b>Any employee or person or the person's affiliated entity who:</b> <ol style="list-style-type: none"> <li>1. Can affect or influence the outcome of the person's or affiliated entity's actions, policies, or decisions relating to pensions and the conduct of business with a municipality or a municipal pension system; or</li> <li>2. Is directly involved in the implementation or development policies relating to pensions, investments, contracts or procurement or the conduct of business with a municipality or municipal pension system.</li> </ol>
MUNICIPAL PENSION SYSTEM	Any qualifying pension plan, under Pennsylvania state law, for any municipality within the Commonwealth of Pennsylvania; includes the Pennsylvania Municipal Retirement System. <i>Example: the Police Pension Plan for the Borough of Winchesterville</i>
MUNICIPAL PENSION SYSTEM OFFICIALS AND EMPLOYEES; MUNICIPAL OFFICIALS AND EMPLOYEES	<b>Specifically</b> , those listed in TABLE 2 titled: "List of Pension System and Municipal Officials and Employees" on the next page. Where applicable, includes any employee of the <b>Requesting Municipality</b> .
PROFESSIONAL SERVICES CONTRACT	A contract to which the municipal pension system is a party that is: (1) for the purchase of professional services including investment services, legal services, real estate services, and other consulting services; and, (2) not subject to a requirement that the lowest bid be accepted.

## List of Municipal Officials for the Requesting Municipality

**CONTRACTORS:** Certain requests for information in this form will refer to a “List of Municipal Officials.” To assist you in preparing your answers, you should consider the following names to be a complete list of pension system and municipal officials and employees. Throughout this Disclosure Form, the below names will be referred to as the “List of Municipal Officials.”

**MUNICIPALITY:** Enter below, a list of municipal officials that have any involvement in the administration or management of the pension system – Elected Officials, Appointed Officials and Employees, Board Members, or other Pension Committee Members (if applicable). Do not include employees that are not in a management position or serve on a pension committee or in a decision-making position relative to this pension system. If a category listed below is not applicable, so state.

Elected Officials:			
Name:	Title:	Name:	Title:
Beverly L. Hackenberg	Council President	Duane L. Zimmerman	Council Member
Paul E. Bottiger	Council Member	David M. Cooney	Mayor
Kathleen A. Downs	Council Member		
Richard J. Fry	Council Member		
Tod M. Steese	Council Member		
Employees or Appointed Officials:			
Name:	Title:	Name:	Title:
Others: Pension Committee Members (if applicable) (persons not already listed above):			
Name:	Title:	Name:	Title:

## IDENTIFICATION OF CONTRACTORS & RELATED PERSONNEL

**CONTRACTORS:** (See “Definitions” – page 2) Any entity who currently provides service(s) by means of a Professional Services Contract to the Municipal Pension System of the **Requesting Municipality**, please complete all of the following:

Identify the Municipal Pension System(s) for which you are providing information:

Indicate all that apply with an “X”:

<input type="checkbox"/>	Non- Uniform Plan	<input type="checkbox"/>	Police Plan
<input type="checkbox"/>	Fire Plan		

**\*\*NOTE:** For all that follow, you may answer the questions / items on a separate sheet of paper and attach it to this Disclosure if the space provided is not sufficient. Please reference each question / item you are responding to by the appropriate number. (example: REF – Item #1.)

1. Please provide the names and titles of all individuals providing professional services to the **Requesting Municipality’s** pension plan(s) identified above. Also include the names and titles of any advisors and subcontractors of the Contractor, identifying them as such. After each name provide a description of the responsibilities of that person with regard to the professional services being provided to each designated pension plan.
2. Please list the name and title of any *Affiliated Entity* and their *Executive-level Employee(s)* that require disclosure; after each name, include a brief description of their duties. (See: **Definitions**)
3. Are any of the individuals named in **Item 1 or Item 2** above, a current or former official or employee of the **Requesting Municipality**?  
➔ **IF “YES”**, provide the name of the person employed, their position with the municipality, and dates of employment.
4. Are any of the individuals named in **Item 1 or Item 2** above a current or former registered Federal or State lobbyist?  
➔ **IF “YES”**, provide the name of the individual, specify whether they are a state or federal lobbyist, and the date of their most recent registration /renewal.

**NOTICE:** All information provided for items 1- 4 above must be updated as changes occur.

5. Since December 17<sup>th</sup> 2009, has the *Contractor* or an *Affiliated Entity* paid compensation to or employed any third party intermediary, agent, or lobbyist that is to directly or indirectly communicate with an official or employee of the *Municipal Pension System* of the **Requesting Municipality** (OR), any municipal official or employee of the **Requesting Municipality** in connection with any transaction or investment involving the *Contractor* and the Municipal Pension System of the **Requesting Municipality**?  
**This question does not apply** to an officer or employee of the *Contractor* who is acting within the scope of the firm’s standard professional duties on behalf of the firm, including the actual provision of legal, accounting, engineering, real estate, or other professional advice, services, or assistance pursuant to the professional services contact with municipality’s pension system.  
➔ **IF “YES”**, identify: (1) whom (the third party intermediary, agent, or lobbyist) was paid the compensation or employed by the *Contractor* or *Affiliated Entity*, (2) their specific duties to directly or indirectly communicate with an official or employee of the *Municipal Pension System* of the **Requesting Municipality**

(OR), any municipal official or employee of the **Requesting Municipality**, (3) the official they communicated with, and (4) the dates of this service.

6. Since December 17<sup>th</sup> 2009, has the *Contractor*, or any agent, officer, director or employee of the *Contractor* solicited a contribution to any municipal officer or candidate for municipal office in the **Requesting Municipality**, or to the political party or political action committee of that official or candidate?

➔ IF “YES”, identify the agent, officer, director or employee who made the solicitation and the municipal officials, candidates, political party or political committee who were solicited (to whom the solicitation was made).

7. **Within the past two years:** Has the *Contractor* or an *Affiliated Entity* made any contributions to a municipal official or any candidate for municipal office in the **Requesting Municipality**?

➔ IF “YES”, provide the name and address of the person(s) making the contribution, the contributor’s relationship to the Contractor, The name and office or position of the person receiving the contribution , the date of the contribution, and the amount of the contribution.

8. Does the *Contractor* or an *Affiliated Entity* have any direct financial, commercial or business relationship with any official identified on the *List of Municipal Officials*, of the **Requesting Municipality**?

➔ IF “YES”, identify the individual with whom the relationship exists and give a detailed description of that relationship.

**\*\*NOTE:** A written letter is required from the **Requesting Municipality** acknowledging the relationship and consenting to its existence. The letter must be attached to this disclosure. Contact the **Requesting Municipality** to obtain this letter and attach it to this disclosure before submission.

9. Since December 17<sup>th</sup>, 2009: Has the *Contractor* or an *Affiliated Entity* given any gifts having more than a nominal value to any official, employee or fiduciary – specifically, those on the *List of Municipal Officials* of the **Requesting Municipality**?

➔ IF “YES”, Provide the name of the person conferring the gift, the person receiving the gift, the office or position of the person receiving the gift, specify what the gift was, and the date conferred.

10. Disclosure of contributions to any political entity in the Commonwealth of Pennsylvania

**Applicability:** A “yes” response is required and full disclosure is required **ONLY WHEN ALL** of the following applies:

- a) The contribution was made within the last 5 years (specifically since: December 18<sup>th</sup> 2004)
- b) The contribution was made by an officer, director, executive-level employee or owner of at least 5% of the *Contractor* or *Affiliated Entity*.
- c) The amount of the contribution was at least \$500 and in the form of:
  1. A single contribution by a person in (b.) above, **OR**
  2. The aggregate of all contributions all persons in (b.) above;
- d) The contribution was for
  1. Any candidate for any public office or any person who holds an office in the Commonwealth of Pennsylvania;
  2. The political committee of a candidate for public office or any person that holds an office in the Commonwealth of Pennsylvania.

➔ IF “YES”, provide the name and address of the person(s) making the contribution, the contributor’s relationship to the *Contractor*, The name and office or position of the person receiving the contribution (or the political entity / party receiving the contribution), the date of the contribution, and the amount of the contribution.

11. With respect to your provision of professional services to the Municipal Pension System of the **Requesting Municipality**:

Are you aware of any apparent, potential or actual conflicts of interest with respect to any officer, director or employee of the *Contractor* and officials or employees of the **Requesting Municipality**?

**NOTE: If, in the future, you become aware of any apparent, potential, or actual conflict of interest, you are expected to update this Disclosure Form immediately in writing by:**

- Providing a brief synopsis of the conflict of interest (and);
- An explanation of the steps taken to address this apparent, potential, or actual conflict of interest.

➔ **IF "YES",** Provide a detailed explanation of the circumstances which provide you with a basis to conclude that an apparent, potential, or actual conflict of interest may exist.

### VERIFICATION

I, \_\_\_\_\_, hereby state that I am \_\_\_\_\_ for  
 (Name) (Position)  
 \_\_\_\_\_ and I am authorized to make this verification.  
 (Contractor)

I hereby verify that the facts set forth in the foregoing Act 44 Disclosure Form for Entities Providing Professional Services to Mifflinburg Borough Pension System are true and correct to the best of my knowledge, information and belief. I also understand that knowingly making material misstatements or omissions in this form could subject the responding Contractor to the penalties in Section 705-A(e) of Act 44.

I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

The information in this disclosure is provided on behalf of the Mifflinburg Borough Pension Plan, account number 913001202.

**REF – Item #1**

**Glenn P. Klinger, Vice President - M&T Bank**

Mr. Klinger is the Relationship Manager and Client contact for the account. He ensures that administration is completed for the pension plan and various other administrative items.

**Mark J. Stevenson, CFA, Vice President and Trust Investment Officer – M&T Bank**

As the Investment Officer, Mr. Stevenson invests the Police Pension Plan pursuant to the client Investment Policy and the Prudent Investor Rule as applicable to retirement plans.

**Wilfredo Rodriguez, Jr., Trust Officer - M&T Bank**

Mr. Rodriguez is the Trust administrator for the account. He oversees the submission of pension setups, changes and any other items related to pension payments and any cash work, such as plan contributions and invoice payments.

**REF- Item#2**

Not applicable.

**REF-Item #3**

None of the above-named individuals is a current or former official or employee of the Mifflinburg Borough.

**REF-Item #4**

None of the above-named individuals is currently, or has ever been, registered as a Federal or Pennsylvania State lobbyist.

**REF-Item #5**

Since December 17, 2009, to the best of our knowledge, M&T Bank have neither employed nor paid compensation to a third party intermediary, agent or lobbyist to directly or indirectly communicate with any individual on the List of Municipal Officials in connection with any transaction or investment involving M&T Bank and the municipal pension system.

**REF-Item #6**

Since December 17, 2009, to the best of our knowledge, information and belief, no agent, officer, director or employee of M&T Bank has solicited contributions to any municipal officer or candidate for

municipal office in the Borough of Mifflinburg, or to a political party or political action committee of that official or candidate.

**REF-Item #7**

Since December 17, 2009, to the best of our knowledge, information and belief, M&T Bank nor an Affiliated Entity has made any contributions to a municipal official or any candidate for the municipal office in the Borough of Mifflinburg.

**REF-Item #8**

The following Municipal Officials have a direct financial, commercial, or business relationship with M&T:

Beverly Hackenberg – POA on 4 Individual Retail Accounts

**REF-Item #9**

To the best of our knowledge, neither M&T Bank nor any affiliated entity has conferred any gifts having more than a nominal value to any official, employee, or Fiduciary of the Borough of Mifflinburg.



**REF-Item #10**

**Other than listed below, in the last 5 years, to the best of our knowledge, information and belief, no contributions have been made by an officer, director, executive level employee or owner of at least 5% of M&T since December 18,2009 to any political entity in the Commonwealth of Pennsylvania, specifically, those on the List of Municipal Officials. M&T Bank Corporation gathers relevant information from individuals with decision-making authority on behalf of the Corporation.**

The following contributions meet the disclosure criteria set forth in above:

1. a. Person making contribution: James J Donovan  
b. Address of person making Contribution: 17 Red Tail Dr, Orwigsburg PA 17961  
c. Contributor's relationship to Contractor: Officer M&T Bank  
d. Name of Person/Political Party/Entity Receiving the Contribution: James A Barton  
e. Office or Position of Person/Political Party/Entity Receiving the Contribution: Principal Campaign Committee of a Candidate for State Representative  
f. Date of Contribution: May 2014  
g. Amount of Contribution: \$500
2. a. Person making contribution: Robert Joe Crosswhite  
b. Address of person making Contribution: 800 Castlebridge Court, Monkton MD 21111  
c. Contributor's relationship to Contractor: Sr VP, M&T Bank  
d. Name of Person/Political Party/Entity Receiving the Contribution: Pat Toomey  
e. Office or Position of Person/Political Party/Entity Receiving the Contribution: US Senate PA  
f. Date of Contribution: 8/12/2016  
g. Amount of Contribution: \$2000
3. a. Person making contribution: Richard G King  
b. Address of person making Contribution: 2596 Hanover Pike, Hanover PA 17331  
c. Contributor's relationship to Contractor: Director, M&T Bank  
d. Name of Person/Political Party/Entity Receiving the Contribution: Tom Corbett  
e. Office or Position of Person/Political Party/Entity Receiving the Contribution: Governor  
f. Date of Contribution: 2-20-14 and 10-9-14 and 5-9-10  
g. Amount of Contribution: \$1000, \$1000, \$5000
4. a. Person making contribution: Robert Lee Crosswhite  
b. Address of person making Contribution: 800 Castlebridge Court, Monkton MD 21111  
c. Contributor's relationship to Contractor: Executive, M&T Bank  
d. Name of Person/Political Party/Entity Receiving the Contribution: Pat Toomey/ Tom Wolf

- e. Office or Position of Person/Political Party/Entity Receiving the Contribution: Principal Campaign Committee of Candidate for U.S. Senate /Governor
- f. Date of Contribution: 6-6-2012 and 10-7-2013/8/12/16
- g. Amount of Contribution: \$500 and \$1000/\$2000

- 5.
  - a. Person making contribution: Robert Wilmers
  - b. Address of person making Contribution: 350 Park Ave, 6<sup>th</sup> Floor, New York NY 10022
  - c. Contributor's relationship to Contractor: Chairman and CEO, M&T Bank
  - d. Name of Person/Political Party/Entity Receiving the Contribution: Bob Casey
  - e. Office or Position of Person/Political Party/Entity Receiving the Contribution: U.S. Senator
  - f. Date of Contribution: 9/17/12, 3/13/17,8/1/17
  - g. Amount of Contribution: \$2,500, \$2,700, \$2,700
  
- 6.
  - a. Person making contribution: Stephen Feldman
  - b. Address of person making Contribution: 4049 Allison Dr, York PA 17402
  - c. Contributor's relationship to Contractor: Vice President, Wilmington Trust
  - d. Name of Person/Political Party/Entity Receiving the Contribution: Tom Wolf
  - e. Office or Position of Person/Political Party/Entity Receiving the Contribution: Governor
  - f. Date of Contribution: 6/4/2015, 5/19/2015
  - g. Amount of Contribution: \$250, \$250
  
- 7.
  - a. Person making contribution: Bill Long
  - b. Address of person making Contribution: 137 Overlook Rd, Morgantown PA
  - c. Contributor's relationship to Contractor: AVP, M and T Bank
  - d. Name of Person/Political Party/Entity Receiving the Contribution: Scott Wagner
  - e. Office or Position of Person/Political Party/Entity Receiving the Contribution: Governor
  - f. Date of Contribution: 1/5/17
  - g. Amount of Contribution: \$100
  
- 8.
  - a. Person making contribution: Eric Rebert
  - b. Address of person making Contribution: 2265 Seitz Dr, Lancaster PA 17601
  - c. Contributor's relationship to Contractor: VP, M and T Bank
  - d. Name of Person/Political Party/Entity Receiving the Contribution: Tom Wolf
  - e. Office or Position of Person/Political Party/Entity Receiving the Contribution: Governor
  - f. Date of Contribution: 10/30/2014
  - g. Amount of Contribution: \$500

**REF-Item #11**

To the best of our knowledge, information and belief, no officer, director, employee of M&T Bank with respect to the provision of professional services to the Borough of Mifflinburg has any apparent, potential, or actual conflict of interest with respect to the officials or employees of the Borough of Mifflinburg.

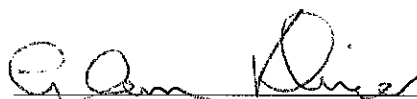
**REF-Item #12**

To the best of our knowledge, information and belief, M&T Bank does not have any additional information to disclose above and beyond what is requested within the disclosure request.

**M&T Bank reserves the right to supplement this disclosure in the event new information becomes available.**

Please provide the name(s) and position(s) of the person(s) participating in the completion of this disclosure. One of the individuals identified by the Contractor in Item #1 above must participate in completing this Disclosure and must sign the below verification attesting to the participation of those individuals named below.

Name: Glenn Klinger  
Position: Relationship Manager

  
\_\_\_\_\_

Signature  
Vice President  
\_\_\_\_\_


Title  
2/2/18  
Date

VERIFICATION

I, Glenn Klinger, hereby state that I am a Vice President for Manufacturers and Traders Trust Company ("M&T Bank") and I am authorized to make this verification.

I hereby verify that the facts set forth in the foregoing Act 44 Disclosure Form for Entities Providing Professional Services to the Borough of Mifflinburg are true and correct to the best of my knowledge, information and belief. I also understand that knowingly making material misstatements or omissions in this form could subject the responding Contractor to the penalties in Section 705-A(e) of Act 44.

I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Signature  
2/2/18  
\_\_\_\_\_  
Date



120 N. 3rd Street  
Mifflinburg, PA 17844  
P: (570) 966-1013  
F: (570) 966-4258  
[www.MifflinburgBorough.org](http://www.MifflinburgBorough.org)

January 29, 2018

Mr. Glenn P. Klinger, Vice President  
Retirement and Institutional Services  
213 Market Street  
P.O. Box 2961  
Harrisburg, PA 17105-9968

Dear Mr. Klinger,

Please be advised that this letter serves as acknowledgement that Beverly Hackenberg an individual associated with the Mifflinburg Police Funds, have personal or business accounts or are P.O.A on an individual checking account with M & T Bank. We hereby consent that these accounts are separate from the Borough of Mifflinburg pension accounts in accordance with Act 44 compliance.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Margaret A. Metzger".

Margaret A. Metzger  
Borough Manager