

# Act 44 Disclosure Form for Entities Providing Professional Services to Marlborough Township Pension System.

## Introduction

Chapter 7-A of Act 44 of 2009 mandates the annual disclosure of certain information by every entity (hereinafter "Contractor") which is party to a professional services contract with one of Marlborough Township's pension funds. Marlborough Township has determined that the Act 44 disclosure requirements apply to Contractors who receive payment of any kind from a Marlborough Township pension fund. You are expected to submit this completed form by December 13, 2010]. 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 13, 2010.

## Definitions for Disclosure Questions

The following definitions apply for answering the questions in this disclosure form:

**Affiliated Entity:** Any of the following: (1) A subsidiary or holding company of a lobbying firm or other business entity owned in whole or in part by a lobbying firm. (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.

**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. The term Contractor shall also include an Affiliated Entity of the Contractor.

**Contributions:** As defined in section 1621 of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

**Executive Level Employee:** An employee of a person or the person's affiliated entity who: (1) can affect or influence the outcome of the person's or affiliated entity's actions, policies or decision related to pension and the conduct of business with a municipality or a municipal pension system; or (2) is directly involved in the implementation or development of policies relating to pensions, investments, contracts or procurement or to the conduct of business with a municipality or a municipal pension system.

**Political Committee:** As defined in section 1621 of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

**Professional Services Contract:** A contract to which the municipal pension system is a party that is: (1) for the purchase or provision 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**

Certain disclosures refer to municipal pension system officials and employees as well as municipal officials and employees. 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.

Carl A. Ascoli, Chairman, Board of Supervisors, *Member of Pension Committees*

Brian L. Doremus, Vice Chairman, Board of Supervisors

Joan T. Smith, Member, Board of Supervisors, *Member of Pension Committees*

Paul A. Williams, Secretary, Township Manager

Vicki Brant, Assistant Treasurer

Frank R. Bartle, Solicitor, Dischell Bartle Yanoff & Dooley

Non-Uniform Pension Plan Advisory Committee

Edward "Bud" Carter, Roadmaster, *Member*

Paul A. Williams, Township Manager, *Member*

Uniform Pension Plan Advisory Committee

Raymond Fluck, Chief of Police, *Member*

Darren Morgan, Police Officer, *Member*

**Disclosures by Current Contractors**

1. Identify the municipal pension system(s) for which you are providing information.

Marlborough Township Uniform Pension Plan  
Marlborough Township Non-Uniform Pension Plan

2. Provide the names and titles of all individuals providing professional services to Marlborough Township pension plan or plans identified above including advisors and subcontractors of the Contractor. 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.

First Niagara Bank N.A.

Alfred D. Galanti, VP & Portfolio Manager - investment management  
Patricia H. Rosenberger, VP & Trust Officer - administrative assistance

(a) List the names of any of the above individuals who are a current or former official or employee of Marlborough Township and their position;

(b) List the name of any of the above individuals who has been a registered Federal or Pennsylvania State lobbyist and the date of the most recent renewal/registration.

The information in this section must be updated in writing as changes occur.

3. Since December 17, 2009, have any of the individuals identified in paragraph 2 above been employed by Marlborough Township.

Not Applicable

(a) If the answer is yes, please identify the individual, his/her position with the municipality and dates of employment.

4. Since December 17, 2009, has the Contractor employed or 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 the Contractor and the municipal pension system. This question does not apply to any officer or employee of the Contractor who is acting within the scope of the Contractor's standard professional duties on behalf of the Contractor including the actual provision of legal, accounting, engineering, real estate or other professional advice, services or assistance pursuant to its professional services contract with the municipal pension system.

No

5. Since December 17, 2009, has any agent, officer, director or employee of the Contractor solicited a third party to make a political contribution to any municipal official or candidate for municipal office in Marlborough Township or to the political party or political action committee of that official or candidate? No

(a) If the answer is yes, please identify: the agent, officer, director or employee who made the solicitation; the individual or individuals who were solicited; and the municipal officials, candidates, political party or political committee for whom the solicitation was made.

6. Since December 17, 2009, has the Contractor made any contribution to a municipal official or candidate for municipal office in Marlborough Township? No

(a) If the answer is yes, please identify the recipient, the amount, and the date of the contribution.

7. Does the Contractor have a direct financial, commercial or business relationship with any individual on the List of Municipal Officials? No

(a) With respect to every municipal official for which the answer is yes, identify that individual and provide a detailed written description of that relationship.

8. Since December 17, 2009, has the Contractor conferred any gift of more than nominal value to any individual on the List of Municipal Officials? A gift includes money, services, loans, travel, lodging, entertainment, discount, or other thing of value. No

(a) With respect to every municipal official for which the answer is yes, identify the recipient, the gift, and the date it was conferred.

9. Did the Contractor make political contributions that meet all of the following four criteria: (i) The contribution was made in the last five years, specifically, since December 18, 2004; (ii) The contribution was made by an officer, director, executive-level employee or owner of at least five percent (5%) of the Contractor; (iii) The amount of the contribution was at least \$500 in the form of either a single contribution by an officer, director, executive-level employee, or owner of at least five percent (5%) or the aggregate of all contributions by all officers, directors, executive-level employees, and owners of at least five percent (5%); and (iv) The contribution was made to a candidate for any public office in the Commonwealth or to an individual who holds that office, or to a political committee of a candidate for public office in the Commonwealth or of an individual who holds that office. No

(a) If the answer is yes, then the Contractor shall provide the following information: the name and address of the contributor; the contributor's relationship to the Contractor; the name and office or position of each recipient; the amount of the contribution; and the date of the contribution.

10. With respect to your provision of professional services to Marlborough Township, are you aware of any apparent, potential or actual conflict of interest with respect to any officer, director or employee of the Contractor and officials or employees of Marlborough Township.

No

(a) If the answer is yes, please provide a detailed written explanation of the circumstances which you believe provide a basis to conclude that an apparent, potential or actual conflict of interest may exist.

**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 and provide an explanation of the steps taken to address this apparent, potential or actual conflict.**

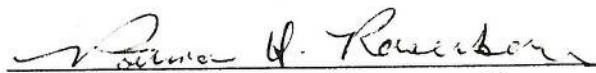
11. To the extent that you believe that Chapter 7-A of Act 44 of 2009 requires you to disclose additional information beyond what has been requested above, please provide that information below or on a separate piece of paper.

VERIFICATION

I, Patricia H. Rosenberger, hereby state that I am Vice President  
for First Niagara Bank N.A., 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 Marlborough Township Pension System are true and  
correct to the best of my knowledge, information and belief.

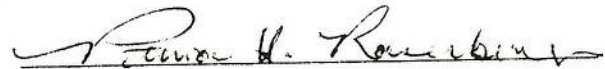
I understand that false statements herein are made subject to the penalties of 18 P.A.C.S.  
§ 4904 relating to unsworn falsification to authorities.

  
Signature

December 13, 2010  
Date

12. Please provide the name(s) and position(s) of the person(s) completing this Form. One of the individuals identified by the Contractor in paragraph 2 above must participate in completing this Form and must sign the below verification.

First Niagara Bank N.A.



Title: Vice President & Trust Officer

Date: December 13, 2010

12. Please provide the name(s) and position(s) of the person(s) completing this Form.  
One of the individuals identified by the Contractor in paragraph 2 above must participate in completing this Form and must sign the below verification.

First Niagara Bank N.A.

*Francis H. Rosenbaum*

Title: Vice President & Trust Officer

Date: December 23, 2011

VERIFICATION

I, Patricia H. Rosenberger, hereby state that I am Vice President  
for First Niagara Bank N.A., 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 Marlborough Township Pension System are true and  
correct to the best of my knowledge, information and belief.

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.

Patricia H. Rosenberger  
Signature

December 23, 2011  
Date