

**PENNSYLVANIA STATE VETERANS' COMMISSION MEETING  
ARROWHEADS COMMUNITY CLUB  
FORT INDIANTOWN GAP  
ANNVILLE, PA 17003-5002**

Friday, February 5, 2016

1. **CALL TO ORDER:** The State Veterans' Commission (SVC) meeting was called to order at 10:00AM by Chairman John Brenner.
2. **INVOCATION/PLEDGE OF ALLEGIANCE:** The meeting was opened with an invocation and the recitation of the Pledge of Allegiance.
3. **COMMISSION INTRODUCTION:** Commission members introduced themselves and their guests in attendance.
4. **REVIEW AND APPROVAL OF MEETING MINUTES:** Minutes from the January 8, 2016 meeting were presented for approval. Mr. Michael Mescavage made a motion to approve the minutes. Mr. Glenn Umberger seconded. The motion carried.
5. **ARMY NATIONAL GUARD UPDATE:** COL Ferraro provided the Commission an update on current and upcoming PA Army National Guard Deployments. Mobilization load will increase as the fiscal year continues. Currently, 162 soldiers are mobilized for the Army National Guard. KFOR rotation just left Ft. Bliss and in early March will start moving into Kosovo. 371 soldiers will mobilize in May of 2016.
6. **AIR NATIONAL GUARD UPDATE:** BG Carrelli provided the Commission an update on current and upcoming PA Air National Guard deployments. Currently, 239 airmen are deployed. The 171<sup>st</sup> ARW Aviation Package will be returning this month and going back out in June.

During the recent snow storm, 326 soldiers and airmen were on state active duty throughout the Commonwealth. They supported 19 different task missions in 11 different counties. The PA turnpike was manned by 90 soldiers and 40 vehicles. The soldiers were out all night on the turnpike going car to car ensuring the safety of motorists. They picked up 4,000 meals and delivered them to the turnpike. No one was hurt or killed in the PA during the storm of the century.

**Q:** Why wasn't turnpike closed sooner?

**A:** People were out and about despite being told to stay home. There will be after action meetings to discuss and prepare better for the future. If the turnpike closed where would all the vehicles go? The local roads were worse than the turnpike, they would still be stuck but spread out all over the place. Pennsylvania should be proud of how Pennsylvania helped those people.

7. **VISN 4 UPDATE:** Dr. Michael Adelman, VISN 4 Network Director, provided the following VISN 4 update:
  - **Realignment Update:** VISN 4 used to have 10 hospitals, 8 in Pennsylvania, 1 in Delaware and 1 in West Virginia. The West Virginia hospital is now included in VISN 5.
  - **Leadership Update:** Dr. Mirza Ali is currently serving as the interim director at Wilkes-Barre VA. Melissa Sundin, associate director, is serving as the interim director for Erie VA.
  - **Homeless Update:** Last FY VA facilities in PA along with state, federal and community partners served over 14,000 Veterans with housing concerns and helped 3,324 homeless Veterans move into permanent housing. Governor Wolf's challenge to house 550 Veterans during the 100 days of 2015 has been exceeded by permanently housing

- 669 homeless Veterans. VISN 4 staff members participated in the annual “Point In Time” survey last week. This tool, conducted by the Department of Housing and Urban Development, sends people into shelters, onto streets, under bridges and into woods to identify, count and reach out to homeless people that we can, hopefully, line up with services. It also allows us to view a better picture of how successful efforts are year to year. We are making progress, but the work will never end.
- Wheelchair Games: The 36<sup>th</sup> National Veterans Wheelchair Games will be held in Salt Lake City this June 2016. For more information please visit [www.wheelchairgames.org/registration](http://www.wheelchairgames.org/registration).
  - Veterans Crisis Line: The Veterans Crisis Line launched in 2007. Nearly 2 million calls have been answered and emergency services have been dispatched to callers in crisis over 53,000 times since launched. In 2009, the Veterans Crisis Line anonymous online chat services was added and has since engaged in more than 250,000 chats. In 2011, text-messaging service was added and has since responded to more than 44,000 texts. Veterans and their families should feel comfortable reaching out to the Crisis Line, should the need arise. A recent HBO film about the Crisis Line feature two sequences that vividly portray what happens behind the scenes. Please take the time to watch and share this video at [www.blogs.va.gov/VAntage/24897/what-happens-on-the-other-end-veterans-crisis-line/](http://www.blogs.va.gov/VAntage/24897/what-happens-on-the-other-end-veterans-crisis-line/).
  - Web Updates – [www.visn4.va.gov](http://www.visn4.va.gov): Several updates have been made to the VISN 4 website to ensure stakeholders are as informed as possible. One of the updates made was posting an updated VISN 4 fact sheet for FY15. This resource includes a statistics snapshot and a brief list of top accomplishments. To view this fact sheet visit, [www.visn4.va.gov/VISN4/docs/VISN4-fact-sheet.pdf](http://www.visn4.va.gov/VISN4/docs/VISN4-fact-sheet.pdf).
  - Discussion:
    - Q**: The Golden Age Games, for Veterans aged 55 and older, are also upcoming. Will VISN 4 be assisting with that?
    - A**: Not aware of any VA assistance, will follow-up.
    - Q**: There is concern with the Lebanon VA transport driver's. There has been a drop of over 2,300 patient visits, due to lack of driver's. Can you facilitate a meeting with Lebanon VA, to review guidelines for hiring driver's so it is more in line with other hospitals in PA?
    - A**: Yes. Policies come down with items not specifically spelled out, which creates the opportunity for variations across the system.
    - D**: There is concern with recalls on transportation vehicles. The recalls put out do not get to where they need to be. Three out of four vehicles recently auctioned by DAV should not have been on the road. The concern is with vehicles on the road getting inspected properly. Further discussion is needed.
    - Q**: Questions from Veterans about the Veterans Identification Card are received daily. We don't understand the process or even if a process in place on how the cards will be issued. Can you explain the process?
    - A**: Currently, VISN4 has not been provided with the process by the VA.
    - D**: Please provide the Commission with that process when it is released.

## 8. OLD BUSINESS:

- RETX Committee Update: Mr. Taylor provided the commission the findings of the RETX Committee. This committee was formed to examine the “5-Acre Rule”. In June of 2009, a memorandum was put out limiting the amount of property to not more than five acres. Prior to that memorandum the property was exempt up to 100% of the property. Vanderhoef case may have played a part in the distribution of said memorandum. Current chief counsel, Michael Barrett, does not believe a limit can be placed on acreage because the Vanderhoef case explicitly states you cannot do that. In Title 51 there are

no extra measures or test for acreage. The Vanderhoef opinion does not direct, require or suggest that acreage is to be considered in the PA State Veterans' Commission in determination of need.

The following, are a few key items that the committee considered.

- Have there been any changes to title 51, specifically to chapter 89? No
- Determination of need is reviewed every five years by DMVA.
- The Pennsylvania State Veterans Commission is not breaking the law if the five acre rule is vacated.
- Should a different limit be placed, maybe 10 or 15 acres?
- A small percentage of applicants meet or exceed the \$89,212 income limitation.
- Most applicants have VA compensation, a pension or social security benefits.
- If the five acre rule is vacated, is that a basis for appeal or reconsideration for determinations made in last 5 to 6 years? No, an action like that would not nullify the limit that was in place at the time. If the five acre rule was vacated, a letter would be sent to each taxing authority informing them of the change.
- Bills currently under consideration in the General Assembly and the impact it would have in vacating the five acre rule. In the absence of any other legislation it would have no effect.
- The law states; uniform (applies to everyone) and equitable (fair) standards for determining the need for an exemption.

A motion was made to vacate the five acre rule and to proceed in accordance with the statute that does not limit the number of acres for the Veteran being otherwise qualified. By a vote of 4 to 1, the motion was passed. The committee therefore recommends that the Commission vacate the five acre rule and to proceed in accordance with the statute that does not limit the number of acres for the Veteran being otherwise qualified.

Mr John Cyprian made a motion to accept the recommendation of the committee. Ms. Jeannine Botta Guth seconded that motion.

#### Discussion/Questions:

**D:** Mr. Cudworth claims the language of the law states the Commission shall fix uniform and equitable standards for determining need. That allows the the State Veterans Commission to establish any rules they deem necessary. To state it is improper to establish the five acre rule, is not the case. They have the authority to establish the rule and have made it known in the application.

**Q:** Mr. Umberger asked what is the Vanderhoef opinion? That you could or could not establish a limit?

**A:** Mr. Barrett replied the Vanderhoef decision is really clear and it's also a non-issue. The Vanderhoef case involved an individual who was appealing the decision of the local tax authority, who had proposed an arbitrary one acre limitation. The court said the arbitrary limitation was improper and the State Veterans Commission was responsible for determining need. The court was unable to tell if the State Veterans commission had determined need in this case. It is not about an arbitrary limitation being right or wrong, it's about whose responsibility is it to determine need. That's it.

**R:** Mr. Umberger stated he interprets the law now that this body as the Commission, if taking into effect the uniform and equitable standards, determines they are imposing an acreage limit, it would be authorized in this commissions authority.

**R:** Mr. Barrett replied he is not saying you cannot impose an acreage limit, but does urge you to think long and hard. In determining uniform and equitable standards it is hard to impose equitable standard that is at the same time arbitrary. An arbitrary limitation does not take into account all the circumstances in determining need. The same is true for the financial determination, even though the statute has created the \$87,212 income

threshold, it is still a rebuttable presumption. That means if an applicant is over the threshold, the Commission can still determine need. If an applicant has \$60,000 in income, the applicant is presumed to have need, but the Commission can determine they do not have a need. It is the responsibility of the Commission to look at the circumstances of each individual case to determine need. Any time you create a rule, without regard to other circumstances, that says an individual either is or isn't eligible you are not doing that uniform and equitable evaluation of need that is your statutory responsibility.

**D:** Mr. Petrovich said after hearing the discussion he sees nothing wrong with the five acre rule. Especially since the court said the county board acted out of it's perimeters. Also the court stated it is the State Veterans Commission can determine that amount of land. The Commission can determine what is fair and equitable whether income or land. It was stated, there are three appeal cases pending, doesn't those cases fall under "the commission can determine fair and equitable judgment individually"?

**R:** Mr. Barrett said the Vanderhoef case was not talking about determination of acreage. Any time you are looking at an acreage exemption, you are not evaluating need. Acreage is what the need applies to. An applicant either has need or does not have need. If an applicant has need, need should exempt real estate taxes, all or none. If a seven acre property is only exempt five acres, and an individual cannot pay taxes on the two acres, the taxing authority is not going to take just those two acres because it's a single parcel. The question shouldn't be how many acres. The question should be is there need.

**R:** Mr. Petrovich replied the Commission needs to discuss this further before a decision can be made. Providing guidelines, such as the five acre rule, may limit the appeals. By removing those guidelines you leave the law wide open to interpretation.

**D:** Mr. Cyprian stated the Commission needs to establish need, part of that need includes spousal income and net worth and to determine if the entire property is in need. It needs to be broken down into two parts, acreage of the property and the need.

**R:** Mr. Barrett responded you can establish guidelines that you can apply, and you should. But they need to be guidelines that meet the criteria of the law. When you apply an arbitrary criteria, that does not evaluate all the individual circumstances you'll get challenged and lose.

**D:** Mr. Cudworth said based on the discussion the five acre rule is arbitrary and unequally applied. The \$87,212 is also arbitrary and unequally applied. A few things need to be looked at. One thing is that you cannot be making income from any of the land. The second thing is the law states the application dates from the day you submitted the application. If an application is now accepted, will we go back six or seven years and tell the taxing authority they owe them back those taxes because their application was improperly rejected? Restated, the Commission needs to look carefully at all the ramifications of this action.

**D:** Ms. Guth stated she has read the petitions, they are very compelling petitions. Those people are not requesting acreage in large amounts.

**D:** Mr. Hudzinski said part of the discussion revolves around the definition of what residence is. He doesn't see where SVC wouldn't be able to consider that a factor, and how much of acreage in a decision. Uniform standard may be a problem but the basic underlying issue is what is residence.

**D:** Mr. Foster stated that the authority of the SVC to make any determination of need comes from the PA Constitution. He questions the presumptive monetary benefit and if that is constitutional. The PA Constitution says that the determination of need will be amongst the State Veterans Commission, then legislation came down saying you'll determine need and this is how you'll do it with the rebuttable presumption. Title 51 states we can set fair and equitable rules. I think we've done that with five acre rule.

Chairman Brenner, seeing no other discussion, called for a show of hands. By a show of hands 9 to 6, the motion passed.

Mr. Cyprian, referencing the June 2010 minutes, states the Commission did also vote to have spousal income imposed, but it was never followed-up on. Mr. Cyprian made a motion to continue the work of the 2010 Commission vote to include spousal income, net worth, assets everything for the regulatory process with an effective date. Mr. Foster seconded the motion.

Discussion:

Mr. Foster asked Mr. Barrett to try to explain why that decision was never acted on. Mr. Barrett said he doesn't know. He did state that if the commission wants to do that, it is appropriate.

Mr. Powell asked will the committee be tasked with creating guidelines to figure out need? Yes

Mr. Cudworth stated that if they pursue and include said motion they should also include a clause from this date forth.

Mr. Hudzinski suggested that committee look at the regulatory process rather statutory process.

Chairman Brenner called for further discussion, seeing none he called for a vote. The ayes have it.

Chairman Brenner asked for anyone interested in serving on that committee to see him after the meeting.

General Beck added there is an issue going on with the seven bills out there on how the Real Estate Tax program is going to change, according to the legislators. He asked that this committee also work as group to come up with a package so he is aware of where we, as an organization, stand on the Real Estate Tax program and what changes we as group want to make. On 9 March a briefing update on Veterans issues is requested by VA&EP committee.

Mr. Foster added he would give the consensus of the organizations. He said he would provide a cross chart of what direction the organization are headed.

General Beck asked he provide that information to the committee.

- **Chief Council Update:** Mr. Michael Barrett was available for questions.
- **Policy, Planning and Legislative Update:** Mr. Joel Mutschler provided the following legislative update:
  - The House and Senate is back in session
  - The National Commission on the Future of the Army has released its findings
  - Patrick Murphy, former congressman of Pennsylvania, is now the Acting Secretary of the Army.
  - The General Assembly will be back the 8<sup>th</sup> of February
  - S.R. 254 regarding the "Caregivers Access and Responsible Expansion" was adopted and transmitted.
  - The executive order for the Governor's Advisory Council for Veterans Services should be issued in the near future.
  - February 9<sup>th</sup>, is Governor Wolf's Budget Address

Discussion/Questions:

Mr. Foster stressed the importance for all the organizations to support DMVA during the budget hearings March 3<sup>rd</sup> for the House and March 7<sup>th</sup> for the Senate.

- **State Veterans' Homes Update:** Mr. Andrew Ruscavage provided the Commission with the State Veterans' Homes update.
  - GMVC remains on a provisional license. They currently awaiting their annual DOH inspection prior to 20 June. GMVC is within compliance of regulations at this time. DOH has assigned the LW Consulting Firm to work with the GMVC in getting ready for the next inspection. GMVC's new Commandant is Vito Ruggiero, they've hired a new deputy commandant and director of nursing.

Mr. Ruscavage provided a brief summarization on recently completed, current ongoing and upcoming construction projects taking place at all six Veterans' homes.

- **PIRO Update:** Director Hamp briefed on current DMVA initiatives. Veterans' Day at the 100<sup>th</sup> PA Farm Show was a huge success. We are working with the Department of Agriculture to make this an annual event. On December 15, 2015, the Veterans On-Line Registry was launched. As of January 19<sup>th</sup>, 791 Veterans have registered. On Veterans' Day 2015, we launched the Veterans On-Line Donation. This allows individuals to make on-line donations to the Veterans Temporary Assistance (VTA) and the Military Family Relief and Assistance Program (MFRAP). Currently working on version 2 of that application to include the PA Veterans Memorial and each of the six State Veterans' Homes.

Questions/Discussion:

**Q:** If the VTA is supported by the Veterans Trust Fund (VTF), why aren't the donation going to the VTF?

**A:** The VTA donation funds will go into the VTF and get designated for use inside of that program.

**Q:** Why can individuals make donations to the VTF itself?

**A:** They always have been able to do that on the website and they still can. These are two new programs, that they can do on-line donations to.

- **Veterans' Programs Update:** Mr. Brian Natali presented the Veterans Programs Report for approval "in total". The State Veterans Commission held a singular vote to encompass the following reports as presented:
  - Veterans Temporary Assistance report:
    - ❖ Expended \$336,714
    - ❖ Project to expend \$363,286
    - ❖ 263 claimants on the program
  - Blind Veterans Pension report:
    - ❖ Budget of \$222,000
    - ❖ Expended \$137,550
    - ❖ Projected expenditure \$84,450
    - ❖ 116 Veterans on the program
  - Amputee & Paralyzed Veterans Pension report:
    - ❖ Budget of \$3.5m
    - ❖ Expended 1.9m
    - ❖ Projected expenditure \$1.4m
    - ❖ 1,813 Veterans on this program
  - Educational Gratuities Program report:
    - ❖ Budget of \$101,000
    - ❖ 125 students on program
    - ❖ Expended \$98,731
    - ❖ Just over \$2,000 left for this program through the fiscal year.
  - Disabled Veterans' Real Estate Tax Exemption Program report:

- ❖ 9896 Veterans on the program
- ❖ Approved 218 applications
- ❖ Denied (Financial Need) 32
- ❖ Denied (Ineligible) 35

Mr. Michael Mescavage made a motion to approve the reports as presented. Mr. Nicholas Taylor seconded the motion. The motion carried.

➤ Disabled Veterans' Real Estate Tax Exemption Program – 5 Acre Rule:

- ❖ Mr. Natali presented one requests for waiver to the five acre rule.

Mr. Nicholas Taylor made a motion that the current one application pending be approved under the new guidance. Mr. Robert Cudworth seconded the motion. The motion carried.

Mr. Nicholas Taylor made a motion that the current applications and appeals that had not been previously acted on, that are in a pending status, now be acted upon. Ms. Jeannine Botta Guth seconded the motion. The motion carried.

➤ Persian Gulf Bonus Program (no vote required): Mr. Natali provided an update report on the Persian Gulf Bonus Program

- ❖ 9,149 payments have been sent
- ❖ Total payments - \$3.8 million
- ❖ Processing time – 5 days

➤ Military Family Assistance Program (MFRAP) (no vote required): Mr. Natali provided an update report on the Military Family Assistance Program

- ❖ Total contributions – over \$1.6 million
- ❖ Approved Grant application payments total over \$749,000
- ❖ Account balance – \$861,116

- **Outreach & Reintegration Update:** Mr. Chip Gilliland briefed the commission on Act 66 year to date claims and recoveries. He explained the FY 14/15 totals are for the state fiscal year.

The outreach team has been granted authorization to travel. Many events are being scheduled for the western part of the state.

The VTF grants deadline is February 5<sup>th</sup> and the review and preparation for a recommendation will begin the 3<sup>rd</sup> week in February.

## **9. NEW BUSINESS:**

- Mr. Glenn Umberger provided a PA War Veterans Council update. They have received the responses to the proposed legislation on tax bills for the future, which will be consolidated and submitted.
- Mr. John Stevens provided the Commission with a brief on the Pennsylvania Military Museum. He explained the museum's mission is to educate the public and their vision is to be the premier institution to tell the story of Pennsylvania's Veterans. They would also like to support the Veteran Service Organizations by providing flyers and brochures in the lobby area for visitors to take with them. In closing, Mr. Stevens asked the Commission to join with them and consider how we might work together. He also invited the PA State Veterans' Commission to convene the next meeting at the Military Museum.

Mr. Nicholas Taylor made a motion to accept the invitation to hold the April 2016 State Veterans' Commission meeting at the Pennsylvania Military Museum in Boalsburg. Mr. Michael Mescavage seconded the motion. The motion carried.

- Mr. Hudzinski asked if the DMVA-OVA, in the strategic planning and as they are preparing budget requests, will look at revising Emergency Assistance program to VTA standards and getting back to the state General Assembly in seeking appropriations? Yes, that is being worked through the legislative liaisons office to get the legislator to put in the change to the law. It is being worked but is not approved yet.

**10. GOOD OF THE ORDER/ANNOUNCEMENTS:**

- Mr. Cyprian stated in light of the recent investigation into the Wounded Warriors Project the Commission may want to make a statement they do not support their actions. It is our due diligence to add to it to make people aware and more cognitive of who they are donating to, as a Commission.  
Chairman Brenner stated if the Commission wishes to do anything, to look into it further and the next meeting maybe do something with that.
- Chairman Brenner took this time to thank Mr. Taylor for chairing the RETX Committee.

**11. NEXT MEETING:**

Friday, **April 8**, 2016 at 10:00AM  
**The Pennsylvania Military Museum**  
602 Boalsburg Pike  
Boalsburg, PA 16827

**12. ADJOURNMENT:** The meeting was adjourned at 12:32PM.

**13. ROLL CALL:**

- **Members Present:**  
Mr. Glenn Umberger, Commander, Veterans of Foreign Wars  
Mr. John Getz, Adjutant, Veterans of Foreign Wars  
Mr. Walter Simpson, Commander, Disabled American Veterans  
Mr. Samuel Petrovich, Adjutant, Disabled American Veterans  
Mr. John Cyprian, President, County Directors of Veterans' Affairs  
Mr. Chris Fidler, Site Representative, Keystone Paralyzed Veterans of America  
Mr. Rich Hudzinski, Designee, Vietnam Veterans of America  
LTC (R) Nicholas Taylor, Commander, Catholic War Veterans  
Dr. Robert Cudworth, President, Military Officers Association of America  
Mr. Jim Powell, Commandant, Marine Corps League  
Mr. Michael Mescavage, Commander, Military Order of the Purple Heart  
Mr. Bruce Foster, Designee, American Legion  
Mr. Dominic DiFrancesco, Member at Large, State Veterans' Commission  
Mr. John Brenner, Chairman, State Veterans Commission  
Mr. Bernie McDonald, Commander, AMVETS  
Mr. Jason Dulski, Executive Director, AMVETS  
Ms. Jeannine Botta Guth, Member at Large, State Veterans' Commission  
Mr. Neil Appleby, President, Blinded Veterans Association  
Mr. Thomas Bremer, Commander, Italian American War Veterans  
Mr. Kit Watson, Adjutant, American Legion
- **Others Present:**  
BG, USA, (R) Jerry G. Beck, Secretary, State Veterans Commission  
BG Anthony Carrelli, Deputy Adjutant General, Air National Guard

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COL Marc Ferraro, Deputy Chief of Staff – Operations

Mr. Nate Silcox, Senate

Mr. Michael Adelman, VISN 4, Network Director

Ms. Belinda Albright, Northumberland County VA

Mr. Tony DiFrancesco, Dauphin County VA

Ms. Colleen Washinger, Dauphin County VA

Mr. Justin Slep, Franklin County VA

Mr. Chuck Jackson, MOPH

Mr. Chip Gilliland, DMVA-VA

Mr. Brian Natali, DMVA-VA

Mr. Dan Osten, TAL

Mr. Robert Gray, MOAA

Mr. Vincent Demedier II, USDOL-VET

Mr. John Tokarczyk, Office of Attorney General

Mr. Michael Barrett, DMVA-CCO

Mr. Tom Davis, DMVA-CCO

Mr. Joel Mutschler, DMVA-PPL

Mr. Andrew Ruscavage, DMVA-BVH

Mr. Rick Hamp, DMVA-PIRO

Mr. John Stevens, PA Military Museum

Mr. A.J. Turgeon, PA Military Museum

Ms. Richelle Savant, American Legion

Mr. Henry Desrosiers, Carbon County VA

Mr. Jim Ritchig, VFW

Mr. Franklin Homme, DAV

Mr. Thomas Brown, VFW

Mrs. Anna Buzan Brown, VFW AUX

Mr. Jeffrey White, VVA

Mr. Eugene Bell, N.E.R.A.

Mr. Dwight Fuhrman, VFW

Ms. Joyce Gibson, DMVA-VA

The minutes of this meeting are respectfully submitted by:

Jerry G. Beck, Jr.  
Brigadier General, USA, Retired  
Deputy Adjutant General  
Veterans' Affairs