

**Donegal Township Board of Supervisors  
Business Meeting Minutes  
November 30, 2023**

Donegal Municipal Building  
34 N. Liberty Street  
West Alexander, PA 15376

**Call Meeting to Order:** Randy Polan called the meeting to order at 7:10 pm

**Prayer:** by Randy Polan

**Pledge of Allegiance:** Recited

**Announcement of Recording:** Randy Polan announced the meeting was being recorded.

**Announcement of Executive Sessions:** Randy Polan read.

An Executive Session was held on November 14, 2023 from 11:30 am to 12:00 pm for Litigation.

An Executive Session was held on November 17, 2023 from 2:30 pm to 5:10 pm for Contracts; Personnel and Union.

An Executive Session was held on November 20, 2023 from 6:00 pm to 6:30 pm for Grievances.

**Supervisors Present Roll Call:**

Jim Bauer - Absent  
Randy Polan - Present  
Edward Shingle – Present

Also Attending the Meeting:

John Yancosek – Police Chief  
Eric Graham – Fire Chief  
Jamie M. Schaller – Secretary/Treasurer

**Motion to adopt the agenda giving the chairman the privilege to adjust.**

Ed Shingle made the motion to adopt the agenda giving the chairman the privilege to adjust. Randy Polan second. Motion Carried 2/0.

**Public Comment: COMMENTS ON AGENDA ITEMS ONLY**

None.

#### **APPROVAL OF MINUTES:**

Motion to approve the Minutes from the Business Meeting October 26, 2023

Ed Shingle made the motion to approve the Business Meeting Minutes from October 26, 2023. Randy Polan second. Motion Carried 2/0.

#### **FINANCIAL BUSINESS:**

1. Motion to approve the Township General Fund Bills as presented.
2. Motion to approve the Township Water & Sewer Fund Bills as presented.
3. Motion to approve the Township Liquid Fuels Bills as presented.

Ed Shingle made the motion to approve the bills as presented in lines #1, #2 and #3. Randy Polan second. Motion Carried 2/0.

#### **DEPARTMENT REPORTS:** (Supervisors have a copy in their packets)

Police Report  
Fire Report  
Code Enforcement Report

#### **OLD BUSINESS:**

1. McAdoo Pump Station Fuel (Natural Gas, Propane or Diesel)

Ed Shingle the last time I talked to the Engineer, I told him we wanted natural gas he was going to follow up on it and I have not heard back.

No action taken at this at this time.

#### **NEW BUSINESS:**

1. Washington County Redevelopment Community Block Grant - \$150,000.00  
FYI – Submitting for a Restroom / Hygiene Facility off the gymnasium.

Just an FYI that we are going to submit for this project, the water/sewer projects that were discussed at the last meeting will not qualify unless we do the surveys.

2. Water Operator.

**Ed Shingle - at this time I would like to come back to this item.**

**See below after executive session.**

- |   |                      |            |
|---|----------------------|------------|
| 3. Kubota Repair Quotes for the tracks: | Stephenson Equipment | \$5,852.00 |
|   | Johnson Enterprises  | \$3,100.00 |

(Quotes do not include shipping)

Ed Shingle made the motion to approve Johnson Enterprises quote. Randy Polan second.  
Motion Carried 2/0.

4. Citizens Library is requesting a \$225.00 donation.

Ed Shingle made the motion to approve the \$225.00 donation to the Citizens Library. Randy Polan second. Motion Carried 2/0.

5. Cold Patch Material through CoStars (HEI-Way LLC)

- \$102.39 a ton delivered (One truck load 23-25 tons)

Ed Shingle asked Randy Polan if we need the materials now? Randy Polan – Yes.

Randy Polan made the motion to approve one truck load of Cold Patch Material through CoStars. Ed Shingle second. Motion Carried 2/0.

6. Salt – CoStars

- Salt            44 tons            \$81.84 ton

Ed Shingle made the motion to approve two loads of salt. Randy Polan second. Motion Carried 2/0.

7. Cinders – Washington County Joint Municipal Purchasing Program. (66 tons per public works)

Arcosa Aggregates:

- Type 1        100 tons        \$33.00 ton
- Type 1A      100 tons        \$33.00 ton

Ed Shingle made the motion to approve two loads of Cinders. Randy Polan second. Motion Carried 2/0.

8. AS1 and or AS2 - Washington County Joint Municipal Purchasing Program.

Ligonier Stone & Lime Co.

- Type AS1 500 tons \$16.05 / \$33.86
- Type AS2 500 tons \$16.05 / \$33.86

Ed Shingle made the motion to approve two loads of the AS1 and or AS2. Randy Polan second.  
Motion Carried 2/0.

9. Police Contract

**Ed Shingle – I would like to come back to this item.**

**See below after executive session**

10. RTK Request Policy (in person review policy)

Randy Polan made the motion to table this item. Ed Shingle second. Motion Carried 2/0.

11. Donegal Twp. Video Policy

Randy Polan made the motion to table this item. Ed Shingle second. Motion Carried 2/0.

12. Planning Commission Ordinance 2023-1

Ed Shingle made the motion to pass the Planning Commission Ordinance #2023-1. Randy Polan second. Motion Carried 2/0.

13. Proposed Tax Increase Resolution (Resolution 2023-4) Increasing the Tax Rate from 1.05 mills to 3.05 mills. (2.0 mill increase)

Ed Shingle made the motion to approve Resolution #2023-4 increasing the Tax Rate from 1.05 mills to 3.05 mills. Randy Polan second. Motion Carried 2/0.

14. Adopt the proposed 2024 budget.

Ed Shingle made the motion to adopt the proposed 2024 Budget. Randy Polan second. Motion Carried 2/0.



15. Approve advertising the proposed 2024 budget is available for public inspection with the proposed tax increase.

Ed Shingle made the motion to advertise the 2024 proposed budget is available for public inspection with the proposed tax increase. Randy Polan second. Motion Carried 2/0.

16. 2022 Donegal Township Audit

Ed Shingle made the motion to accept the 2022 audit as presented by Brian T Kelly CPA & Associates. Randy Polan second. Motion Carried 2/0.

17. Approve advertising a meeting for the Elected Auditors to approve/present the 2022 Donegal Township Real Estate Tax Collector Audit to the Board of Supervisors.

Ed Shingle made the motion to approve the expense of advertising the Elected Auditors meeting for the 2022 Donegal Township Real Estate Tax Collector Audit. Randy Polan second. Motion Carried 2/0.

18. Approve advertising the reorganization meeting for January 2, 2024

Ed Shingle made the motion to approve advertising the reorganization meeting for January 2, 2024. Randy Polan second. Motion Carried 2/0.

19. Motion to approve transferring \$106,000.00 from Act 13 to the General Fund for Police Wages, Taxes and Benefits.

Ed Shingle made the motion to approve transferring \$106,000.00 from Act 13 to the General Fund for Police Wages, Taxes and Benefits. Randy Polan second. Motion Carried 2/0.

20. Motion to approve transferring Public Works Wages up to \$32,671.00 from The Liquid Fuels Fund to the General Fund

Ed Shingle made the motion to approve transferring Public Works Wages up to \$32,671.00 from The Liquid Fuels Fund to the General Fund. Randy Polan second. Motion Carried 2/0.

21. Motion to approve the opening new bank account opened at Wesbanco to Escrow the Water and Sewer fees, \$10,000.00 transferred on 11-16-2023.

Ed Shingle made the motion to approve the opening of the Wesbanco Water and Sewer Escrow Fund from November 16, 2023. Randy Polan second. Motion Carried 2/0.

22. Gym Rental Fee Waived December 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> for Donegal Township Outreach Program.

Ed Shingle made the motion to approve waiving the rental fee for the Donegal Township Outreach Program on December 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> Randy Polan second. Motion Carried 2/0.

At this time the Board asked if there were any public comments before they go into Executive Session? (see public comments below)

**PUBLIC COMMENTS:** The Board asked for Public Comments after item #22.

- Eric Graham – Were there any issues with the 2022 Audit?

Ed Shingle – No, there were no findings.

Mrs. Betty Shingle – Now that you accepted it, it is available to the public?

Ed Shingle – yes.

- Mr. Smith (1274 & 1276 State Route 40 West Subdivision) – I had approval to subdivide the property at 1274 and 1276 State Route 40 West and the time expired on it and I requested a reapproval of it and it was denied because of access to the lot.

Jim McGraw – I have had a conversation with your Attorney and I reviewed his letter with the Supervisors as well, then there was information brought to my attention by Mr. Shingle that I don't think was addressed with my conversation with Mr. Turturice. There is a Quick Claim by a neighboring property owner.

Jim McGraw - This Quick Claim is a surprise to me. I understand the basic position of your council is that the paper street has never been abandoned and as a result it appears to be a public easement to the property.

Ed Shingle – there was only one end of it that was Quick Claimed and now deeded to Jerri Zewicker.

Jim McGraw – We would need to look at to see if it would restrict access to the parcel that we are talking about here tonight.

Ed Shingle – No it would not restrict access to his property. The question is if there is a dispute, I don't want to sign off on something that may have a problem and there would be no access.



Ed Shingle – Apparently there has been some back-and-forth conversation with the neighbor because we saw the letter.

Mr. Smith – Correct, the neighbor was threatening to beat up my tenant, and he was putting up blocks in front of the garage so he couldn't get in and out. This subdivision was approved years ago, and all I am doing is asking for reapproval.

Ed Shingle – This Board didn't approve it.

Mr. Smith – All I need is for this board is to approve it so I can proceed. All I am doing is moving a lot, the issue that you have is that will there be public access to route 231 from the property at 1276 Route 40 and there is access there.

Randy Polan – We can't approve something that we don't have all the facts or information on.

Jim McGraw – Is this correct that this paper street was never dedicated or accepted, twenty-one year's lapses, it goes away and it remains an easement that can't be blocked. The joining properties utilize the center line effectively but they can't build on it or own it unless the Township takes action.

Ed Shingle – There is a piece of property down the road that been in dispute for fifteen years and the Township got in trouble for it, signing off on the subdivision, it is the same situation. There is a paper alley, the Township signed off on it and the guy builds a building on part of the paper alley and fifteen years later it is still in the courts.

Ed Shingle – I don't think the taxpayers should have to pay for this but we need to have the facts. Not a legal opinion from your Attorney.

Mr. Smith – What do you need from me?

Jim McGraw – Your Council could do a brief investigation on the alley to see if any portion of the paper alley been deeded to any of the adjoining land owners. Mr. Turturice could look into the quick claim deed.

Mr. Smith – You want my attorney to look into?

Ed Shingle – My question is, that if it could be done at the other end, then why couldn't Stan More do this if there is a dispute between the both of you?

Mr. Smith – Can someone take a public right of way and put on their deed?

Jim McGraw – I'm not aware of any way to do that other than have the public right of way formally abandoned.

Mr. Smith – Which has not occurred so this is a moot point.

Ed Shingle – How can we say it hasn't occurred, apparently it has.

Mr. Smith – But not on the part I need.

Ed Shingle – We don't know that.

Mr. Smith – What I am saying is that we have a right of way access to that for the entire length if it was sold it was sold or transferred erroneously.

Ed Shingle – I don't want in another law suit.

Mr. Smith – You want me to have my attorney explore to see if the alley has been transferred to someone else and if it hasn't been then to let you know.

Ed Shingle – Yes.

Betty Shingle – if the Attorney does the title search it should show up.

Ed Shingle – Everyone's deeds bordering the alley goes to the center of it.

Mr. Smith – but we still have the right of way. They just can't take it.

Jim McGraw – there is a formal process to abandon the alley.

Mr. Smith – I was never told by the Township that the subdivision was approved, I was notified months later when it was expired.

Jim McGraw – how long ago was that?

Mr. Smith – about two years ago. All I am asking is that you approve something that was already approved.

Jim McGraw – is there any structure on the alley at the other end?

Ed Shingle – No.

Mr. Smith – What has taken place at the other end of the alley doesn't have anything to do with me.

Jim McGraw – I agree with the general premise that a person whose property just happens to abut a public right of way of some kind can't just unilaterally decide that they own it one day.

Mr. Smith – I guess it ill legally got transferred?

Ed Shingle – it is on the tax maps.



Jim McGraw – I may not have all the facts right now, but I don't believe you can go quick claim it and then add that section of the public right of way on to your property on to your deed without some process to do it.

William Riggle – Pull up the deeds to see how they read.

Chief Yancosek – all they want is some verification that someone else has not laid claim to what you are claiming is your access.

Mr. Smith – I don't care about the other end of the road, if they did it wrong that is not on me. Why is it up to me to investigate that which I had nothing to do with?

Mr. Smith – You have the letter from my Attorney.

Jim McGraw – We can discuss more in executive session.

Ed Shingle – We can discuss it, I don't know, do whatever research you want to do or don't want to do.

Mr. Smith – What do you need from me?

Ed Shingle – we need every bit of, you are basically starting over. We need your drawing; we need the drawing and letter signed by the County.

Mr. Smith – You have those.

Ed Shingle – We do?

Jamie Schaller – I have the documents the county sent to the Township in 2021.

Ed Shingle – My only issue is that I don't want to get the township into trouble, I don't want to compound the problem. If someone with some kind of authority could tell me yes, you have access this is a public right of way, nobody has made claims on.

Mr. Smith – Who would that be?

Jim McGraw – I think that a title search would clear up that there are no claims to title.

Ed Shingle – I read the letter from your attorney that says cease and desist and I don't think the township should be taking sides.

Mr. Smith – We are not asking you to take a side.

Ed Shingle – Why did we get the letter from your attorney? There is already a dispute.

Mr. Smith – You got the letter because of the issue with the alley and I wanted to make you aware of that issue.

William Riggle – Do the title search on the part of the alley that you need.

Randy Polan – is that satisfactory to you?

Mr. Smith – I will talk to my attorney about this, does that work for the board?

Ed Shingle – any other comments?

None

#### EXECUTIVE SESSION:

Ed Shingle made the motion to go to executive session at 8:10 pm. Randy Polan second. Motion Carried 2/0.

The Board returned from executive session at 10:53 pm discussion on Litigation matters and Personnel.

The following items were voted on after the executive session.

#### 2. Water Operator

Randy Polan made the motion to approve Garratt Callahan as the license water operator at a cost of \$1,000.00 per month subject to the Solicitors approval of terms. Ed Shingle second. Motion Carried 2/0.

#### 9. Police Contract

Ed Shingle made the motion to approve the Police Contract as presented. Randy Polan second. Motion Carried 2/0.

#### ADJOURNMENT OF MEETING:

Ed Shingle made the motion to adjourn the meeting at 10:55pm. Randy Polan second. Motion Carried 2/0. Meeting adjourned.

  
Jamie M. Schaller Secretary/Treasurer

  
Randy Polan Vice Chairman