

**Donegal Township Board of Supervisors
Business Meeting Minutes
December 28, 2023**

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

Call Meeting to Order: Jim Bauer called the meeting to order at 7:17 pm

Prayer: Given by Randy Polan

Pledge of Allegiance: Recited

Announcement of Recording: Jim Bauer announced.

Announcement of Executive Sessions: Jim Bauer read.

An Executive Session was held on December 13, 2023 from 3:00 pm to 4:00 pm for Personnel Matters

An Executive Session was held on December 18, 2023 from 11:00 am to 1:48 pm for Personnel Matters and Contracts.

Supervisors Present Roll Call:

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

Also attending the meeting:

Chief John Yancosek
Fire Chief Eric Graham
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 3/0

Public Comment: COMMENTS ON AGENDA ITEMS ONLY

None

At this time, they started with Item #4 New Business (Brownlee Subdivision)**APPROVAL OF MINUTES:**

Motion to approve the Minutes from the Business Meeting November 30, 2023

Ed Shingle made the motion to approve the minutes of November 30, 2023. Randy Polan second.
Motion Carried 3/0.

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.
4. Motion to approve the Township Act 13 Fund Bills as presented

Ed Shingle made the motion to approve the bill lists #1- #4 as listed. Randy Polan second. Motion Carried 3/0.

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

Police Report
Fire Report
Code Enforcement Report

SOLICITORS REPORT:

Jim McGraw – No report for the public session, the Right to Know update under new business, we can do then.

OLD BUSINESS:

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

Jim Bauer and Ed Shingle stated that we have looked into the options and the only thing we can do is propane.

2. Water Rates – Effective Date

Jim Bauer – Can we just do an FYI here as to what we are going to do?

Jim McGraw – yes, I would say so.

Jim Bauer – back in our November Meeting (actually the October Meeting) we made a motion to increase the water rates effective December 1st, then what happen was the December billing came out and it was for the October 26th through November 26th but it didn't hit until December, so there is an issue where we will have to talk to Wheeling Water about doing a credit because we approved the rates as of December 1st and they actually issued the bill starting October 26th.

We are going to talk to Wheeling Water about giving a credit adjustment on the bills.

Ed Shingle – Can we take a vote tonight to just change the effective date?

Jim Bauer – No we can't do that.

Jim McGraw – doing that retroactively and increasing charges that we hadn't previously approved could create an issue.

NEW BUSINESS:

1. RTK Request Policy (in person review policy)
2. Donegal Twp. Video Policy

Jim Bauer stated that items #1 and #2 will be done by Resolution, do we need to read it?

Jim McGraw – Yes.

Jim McGraw read Resolution 2023-5 (A Resolution of the Council of Donegal Township, Washington County, Pennsylvania, Adopting the Right-To-Know Know Records Review Policy in Compliance with the Right-to-Know Law).

Ed Shingle asked if Section 2 (a) is anytime during the times listed or by appointment? Can we alter this before we vote?

Jim McGraw – yes, I can change the language to include by appointment.

Jim McGraw – continued to read the resolution.

Jim McGraw – This is the Resolution, subject to being passed this evening, we included by appointment, Jamie, I will get you an updated copy.

Ed Shingle made the motion to approve as read. Jim Bauer second. Motion Carried 3/0.

Jim McGraw – for clarity of the record the two items listed under New Business separately 1) RTK Request Policy (in person review policy) and 2) Donegal Twp. Video Policy has been created under one policy.

Jim Bauer – okay #1 and #2 under new business has been addressed.

3. Adopt the 2024 budget – includes a 2 mill increase for a total of 3.05 mills.

Jim Bauer made the motion to adopt the 2024 Budget which includes a 2 mill increase for a total 3.05. Ed Shingle second. Motion Carried 3/0.

4. Brownlee Subdivision (Lot Consolidation)

The Board is reviewing the plans for the subdivision.

Jim Bauer asked the Brownlees's if they will end of with three deeds now?

Brownlee's – Yes that is correct.

Ed Shingle looking at the plan and the dates of the signatures.

Ed Shingle made the motion to approve the Brownlee subdivision, lot consolidation plan, Jim Bauer second. Motion Carried 3/0.

5. Real Estate Tax Collectors Audit

Jim Bauer made the motion to accept the Real Estate Tax Collector Audit from the Township Elected Auditors. Randy Polan second. Motion Carried 3/0.

6. Noah Dorsey – Retain on a regular part time basis

Ed Shingle made the motion to retain Noah Dorsey on a regular part time basis going forward from the completion of his probationary period. Randy Polan second. Motion Carried 3/0.

7. Officer Rodney Bush – Promotion to Sergeant

Jim Bauer asked if there was a motion to promote Officer Rodney Bush and thank him for his service.

Ed Shingle made the motion to promote Officer Rodney Bush to Sergeant status. Randy Polan second. Motion Carried 3/0.

8. Accept the resignation of Kathy Leech.

Jim Bauer made the motion to accept the resignation of Kathy Leech with regrets. Randy Polan second. Motion Carried 3/0.

9. Approve advertising for the position of Meter Reader

Randy Polan made the motion to advertise for the position of Meter Reader. Ed Shingle second. Motion Carried 3/0.

10. IT Professional Services:	GM Computer Services	\$70.00 per hour
	Norman Allan Company	\$531.00 Month
	Network Corp X	\$1,027.00 Month

Ed Shingle made the motion to appoint Norman Allan Company at \$531.00 a month. Jim Bauer second. Motion Carried 3/0.

11. Appoint members to the Planning Commission Board

Ed Shingle made the motion to appoint Mike Curtis, Ethan Ward and Jeri Zwicker. Jim Bauer second. Motion Carried 3/0.

Jim McGraw – Did the Planning Commission Ordinance have term limits?

Discussion on the Ordinance and if it had limits.

12. Holiday Schedule for 2024

Jim Bauer asked Jamie Schaller to read the Schedule:

Jamie Schaller – New Years Day 1-1-2024; Good Friday 3-29-24; Memorial Day 5-27-24; Independence Day 7-4-2024; Labor Day 9-2-24; Thanksgiving Day 11-28-24; Day after Thanksgiving 11-29-24; Christmas Eve 12-24-24 and Christmas Day 12-25-2024.

Ed Shingle made the motion to approve the holiday schedule. Jim Bauer second. Motion Carried 3/0.

13. Smith Subdivision (added to agenda)

Jim McGraw – Mr. Smith we are talking about your subdivision that has come up in the last couple of meetings, what we were contemplating is to have a brief executive session, I assume that your position remains largely the same, your Attorney and I have communicated again, your legal position by way of Mr. Turturice is that there is no land locking of the proposed new parcel from the subdivision as a result of the lot having access back out to the other via street

and that part was subject of some confusion into the Zwicker property is 1) still a public right of way even if somehow it has been deeded or otherwise acquired by the Zwicker's and that there is a public easement that goes in that direction up to your subdivision, your parcels to be subdivided still maintain separate access from the another direction, is that a fair assessment?

Mr. Smith – Yes.

Jim McGraw – it would make sense to have a brief conversation about the correspondence, adjourn to executive session for this item now and then come back.

Jim Bauer made the motion to adjourn to executive session at 7:28 pm to discuss the Smith Subdivision. Ed Shingle you may need to state legal matter in the motion, a subdivision is not executive session items. Jim McGraw that is right. What we are going to talk through is what we have gathered in the past month and any potential ramifications.

Jim Bauer made the motion to adjourn to executive session at 7:28 pm to discuss the Smith Subdivision and any possible legal issues regarding the alley. Ed Shingle second. Motion Carried 3/0.

The Board reconvened the Meeting at 8:00 pm. Jim Bauer turned the meeting over to Jim McGraw to go over what was discussed in executive session.

Jim McGraw – Mr. Smith I think it is fair to say that we have sufficiently dealt with all these issues related to the satisfaction of the board related to rights of way and access and that there will not be land locking and those kinds of things in our judgement based upon a similar reading of the law pertaining to these kinds of public easements for adjoining property owners, that your legal counsel and I have had some discussions about.

The one remaining point is that we need to raise to you is that there has been a lapse of time since the original approval of the original document that we have here and the board typically gets the signed documents back that the Washington County Planning Commission with their approval. This is the case with the original document that we have here that is now over two years old, signed as of October 17, 2021 by the County Planning Commission.

There is a note under it that makes clear that the approval lapses after ninety (90) days. In order not to make you wait another month the board will take a vote to attentively approve the planned subdivision contingently, subject to you resubmitting this plan to Washington County Planning Commission and get an updated executed signature there, that brings it back to the ninety days of approval.

Mr. Smith – I may be misspeaking but when I took it up there, they said all I needed was the signatures, initials of the Board.

Jim Bauer – based on this clause right here I am not comfortable putting my signature on it without them at least having them say okay.

Randy Polan – them saying is one thing and having it written down is....

Mr. Smith – What is my next step?

Jim McGraw – you can take the plan back to the Washington County Planning Commission and request that they just, note that 90- day clause, and we didn't want to do anything that wasn't definitively have an active Planning Commission approval as oppose to the ninety- day lapse that has occurred a long time ago. You don't have wait until the next meeting, if you can get it sooner and we give conditional approval then when you bring it back the Township can sign it and give you a copy.

Mr. Smith – I need to take a copy of this back up to the Washington County Planning Commission Office?

Jim McGraw – Yes, have them sign it and bring back to the Board.

Jim Bauer made the motion to amend the agenda to add the approval of the Smith Subdivision. Ed Shingle second. Motion Carried 3/0.

Ed Shingle – Based on the Solicitor's advice I make a motion to conditionally approve the Smith Subdivision subject to receipt of an updated Washington County Planning Commission approval. Randy Polan second. Motion Carried 3/0.

DISCUSSION/ACTION ITEMS:

At this time Ethan Ward asked if he could interrupt, do you have any questions for us?

Ethan Ward – We will probably have the meetings during the day, so that if we would need to call the county or anyone for a question, we would be able to get them and not make the resident come back in a month for an answer.

Jim Bauer – let Jamie know after the three of you talk.

1. Confirm the action of advertising the reorganization meeting for January 3, 2024 for the Elected Auditors. (Advertisement ran 12-15-2023 along with the Board of Supervisors advertisement for reorganization).

Jim Bauer made the motion to acknowledge the advertising of the Elected Auditors. Ed Shingle second. Motion Carried 3/0.

2. Washington County Sewage Council will hold a full council meeting on January 9, 2024, then have a presentation on planning modules. (Do we want to send a representative)

Ed Shingle made the motion to send up to two representatives to the Sewage Council Meeting. Jim Bauer second. Motion Carried 3/0.

3. There will be a PA State Grant seminar on January 18, 2024 given by State Representatives O'Neil, Orititay, Cook and Kuzma. (Do we want to send a representative)

Jim Bauer made the motion to send two people to the PA State Grant Seminar. Randy Polan second. Motion Carried 3/0.

4. (FYI) SWN Production Company – has submitted an application to DEP for Drilling or Altering the John McMurray Well WAS 1H and 3H.

Jim Bauer read.

EXECUTIVE SESSION:

Held at: 7:28 pm see above (Smith Subdivision)

Held after adjournment of meeting.

PUBLIC COMMENTS:

Eric Graham – is there any new information on the Wheeling Water Contract?

Ed Shingle – it is now in the hands of Charleston.

Jim McGraw – I check the docket periodically and I stay in touch with the Attorney for the City, who is handling the legal matter before the Utility Commission.

ADJOURNMENT OF MEETING:

Jim Bauer asked if there was a motion to adjourn the meeting at 8:42 pm and go to executive session. Randy Polan made this motion. Ed Shingle second. Motion Carried 3/0.

The question was asked if the board would be returning? No, we will not be.

Meeting Adjourned.


Jamie M. Schaller Secretary/Treasurer


James R. Bauer Jr. Chairman