

**Donegal Township Board of Supervisors  
Business Meeting Minutes  
August 24, 2023 continued to August 31, 2023**

23480

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

**Call Meeting to Order:** Jim Bauer called the August 24<sup>th</sup> meeting to order at 7:05 pm.

**Prayer:** Jim Bauer gave the prayer

**Pledge of Allegiance:** Recited

**Announcement of Recording:** Jim Bauer announced the meeting was being recorded.

Jim Bauer asked at this time if there were any Public Comments – None

Jim Bauer – for the record as you can see I'm the only Supervisor that is present this evening, shortly before the meeting we found out that Supervisor's Polan and Shingle had family medical matters that they had to attend to, as a result we do not have a quorum and can't take action on the business items, one of the things that I am permitted to do as the only present member of the board is to adjourn and continue the meeting at a future time when we will have a quorum present.

At this time, I want to announce we will adjourn the meeting for one week until Thursday August 31<sup>st</sup> at 7:00 pm. The meeting will be held at the Township Building.

**Call Meeting to Order:** Jim Bauer we will continue the August 24<sup>th</sup> meeting tonight (August 31<sup>st</sup>) at 7:03 pm.

Jim McGraw – as posted on the marquee and as Jim Bauer stated last week that there were last minute commitments by Mr. Polan and Mr. Shingle, we didn't have a quorum to conduct township business and so the meeting was continued. One thing the Sunshine Act allows you to do is even without the quorum of the Board is take the action of continuing the meeting so this meeting is reopening the continuation of the August 24<sup>th</sup> meeting.

**Prayer:** Randy Polan gave the Prayer

**Pledge of Allegiance:** Recited

**Announcement of Recording:** Jim Bauer announced the meeting was being recorded.

**Announcement of Executive Sessions:** Jim Bauer read.

An Executive Session was held on August 9, 2023 from 11:40 am to 1:15 pm for Personnel Matters

**Supervisors Present Roll Call:**

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

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

Randy Polan made the motion to adopt the agenda giving the chair the privilege to adjust. Ed Shingle second.  
Motion Carried 3/0.

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

Rich Hunter – I am here for the water line extension (#6 New Business) going out the road towards our property. The Water line was run out Old National Pike and ended near the Provost Property across from the old cemetery in the 1970's, at that time the township agreed to put in a meter in and supply water to the meter and then we would run our line out from that and from there it would be our responsibility. There are six houses out there and three of them are on springs or wells. I think the issue is with the pressure.

The new line being proposed by Tunnel Ridge is to extend this line out where it stops at the cemetery up to the farm.

Could you make a provisional offer to Tunnel Ridge. When they put the line in, they would have to put it in to the specs that the Township would use as if you were doing it, with the meters and fire hydrants and adequate pressure. Maybe ask them to be a steward of that line for a year or eighteen months, and if there are pressure issues then it would be on them.

I know I was told that this line only benefits us, but I think if you look at it long term it would, ultimately everyone would love to tie that line into the Claysville line. If Tunnel Ridge would put the line in and how we would want it and it is working properly than the two tenths of a mile gap has been closed.

If you vote no, then they will upgrade our private line but the problem with that is that right now it's great no issues with neighbors, but there are a lot of properties that this line will cross and twenty years from now and property starts to change hands and someone loses water and now that line needs to be dug up on someone else's property then this becomes an issue.

If you vote no on this, may I be permitted or would Tunnel Ridge, be permitted to use the Township Right of Way to run the private line, that way if anything happens, we don't have to jump through a bunch of hoops to get permission from different people to fix the line.

Ed Shingle – the stewardship thing? If they didn't deed it over to us for two years.... I want to ask about the legality of this.

Jim McGraw – Yes, something could be drawn up like a memorandum of understanding, something that would be a legally binding document that would task them with maintenance, upkeep and any problems or pressure issues. This is something that could be worked out with them.

Eric Graham – You may want to ask the Engineer, obviously the issue with the water line is the pressure, if it drops below the 20 pounds you have to boil water and test the water, is there a way that they could put in a backflow preventer? Is there a way to make sure the pressure stays and doesn't drop.

Eric Graham – as far as the Fire Department is concerned, we have fire trucks that make their own pressure I am not concerned with that, my concern is volume. The last hydrant out there only gets 250 gallons per minute historically. We have not tested that with the pump kicked on, so it might be wise for us to talk to Wheeling to see how much water we need to run to kick the booster pump on so we can get a true test of volumes when the booster pump is running as the hydrant is flowing.

At this time the Jim Bauer stated we are going to adjust the agenda and we are going to go to Item #6 Tunnel Ridge under New Business to continue this discussion.

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

Motion to approve the Minutes from the Business Meeting on July 27, 2023.

**Ed Shingle made the motion to approve the July 27, 2023 minutes. Randy Polan second. Motion Carried 3/0.**

#### **FINANCIAL BUSINESS:**

1. Motion to approve the Township General Fund Bills.
2. Motion to approve the Township Water & Sewer Fund Bills.
3. Motion to approve the Township Liquid Fuels (State Fund) Bills.
4. Motion to approve the Township ARPA Fund Bills.

**ED Shingle made the motion to approve the unpaid bill lists for all funds. Randy Polan second. Motion Carried 3/0.**

**DEPARTMENT REPORTS:** Given at the Agenda Meeting August 16, 2023 (Exception the RTK Report & Fire Report)

Police Report  
Code Enforcement Report  
RTK  
Fire Department Report

Eric Graham – Fire Dept. Report: We responded to 21 incidents; in our primary response area we had zero-dollar losses. We gave mutual aid ten times; we did not receive it. Two overlapping calls our average time for all calls from dispatch to arrival on scene is fifteen minutes.

Eric Graham – the County signed a contract for the radio system upgrade. We met with them and we are looking at having a project completed with a new radio system by 2026.

We are talking about regional grants for mostly fire, not sure if there are any for police but we will need to be prepared as a community to spend some money by 2026 for radio equipment.

Jim Bauer – Where are we with the EMS?

Eric Graham – I spoke with AHN's new business person and we they were to have a meeting on the 21<sup>st</sup> and he would get back to me, but that meeting didn't happen. We should find something out soon.

We met with Ambulance and Chair again and there were some discussions about them putting someone out this way at least during the day time in a response vehicle.

#### **OLD BUSINESS:**

1. SWN Production Company LLC application for heavy hauling on Greaves Road

Jim Bauer – let's look at #1 under new business then we will come back to this.

**Ed Shingle made the motion to table the Heavy Hauling Application. Jim Bauer second. Motion Carried 3/0.**

2. Iams - Cossell Lane Master Meter & Water Line Agreement

Jim Bauer asked if we had received any more information or request on this to the office.

Jamie Schaller – No.

**Jim Bauer – let item #2 drop off the agenda.**

3. Jeremy Wiley – 107 Main Street West Alexander, received a code violation letter from Mark Gordon regarding the fence and sidewalk.

**Jim Bauer – let item #3 drop off the agenda.**

#### **NEW BUSINESS:**

1. Ethan Ward – Paving Greaves Road

Jim Bauer – Ed Shingle met with Ethan Ward and the Township Engineer on Tuesday

Ethan Ward – when we met we went over the bullet points. We started at the beginning of Greaves Road and went clear to the end.

Township Engineer (Rich Rush) recommended that at Precision where they make the turn down into their lane to Burghoff's Property there is a little bit of a slip and we should put in about 100 feet of under drain and run it to the culvert.

There was a couple of recommendations by the Township Engineer that I did not think about, 1) is that the liquid fuels for that road would increase because it is paved, the township should check with PennDOT.

Jim Bauer – you saw his email and you are on board with it. Ethan yes, this is what we went over, they are discussing the email from Rich Rush.

Jim Bauer – even with all the road repairs it will still remain a ten-ton limit road. Ethan Ward – yes that is correct.

Jim Bauer – this brings up the Heavy Haul versus the Maintenance Agreement.

Ethan Ward – the Maintenance Agreement states that they can go in and make repairs, and I personally don't like that. I like a Heavy Haul License; the maintenance agreement gets abused. The Heavy Haul Agreement you can do periodic inspections and both parties go out look at the road see what work needs done then you discuss and the repairs are made.

Ethan Ward – talking about local haul status and heavy haul status. I would say that local haul status would be the way to go in my opinion.

Chief Yancosek – there may be some misunderstanding the road use maintenance agreement wasn't to replace what was in place. We need to follow Publication 221; the local hauler permit status can be in conjunction with a road use maintenance agreement. The road use maintenance agreement should outline that although a Company can opt to volunteer to do a repair it has to be with the approval of the Township and under the guidance of the Township.

At this time there is a long discussion on Local Hauler Status versus Maintenance Agreement, Road Use Agreement.

Ed Shingle – I thought the reason for the maintenance agreement was mainly for multiple users, so for Greaves Road and clear out at the end and they want to log and destroy the road. You don't want us coming to you and saying you are on the hook the road is a mess.

Ethan Ward – my understanding of the road use maintenance agreement is if a municipality doesn't want to do the repairs and the company does. This is an agreement that authorizes the company to do the repairs.

Ed Shingle – this is wording that could be taken out.

Ethan Ward – I don't agree that you should be issuing an agreement that authorizes anybody to make repairs however they see fit.

Chief Yancosek – I don't think that there is anybody that doesn't agree with that.

More discussion on the Local Hauler Permit versus Road Maintenance Agreement.

Kathy Croft – What does the ordinance say?

Chief Yancosek – the ordinance will probably need updated.

**Jim Bauer made the motion to approve everything that was discussed and approved by the Engineer for Ethan Ward to do the repairs and resurface Greaves Road. Ed Shingle second. Motion Carried 3/0.**

2. Federally required CDL Training by PSATS on September 25, 2023 at Cecil Township.

Two classes – 1.) “Probable Cause Training for CDL Supervisory Personnel”  
9:00 am to 11:30 am

2.) “CDL/CMV Records Management”  
1:00 pm to 3:30 pm

**Ed Shingle made the motion to approve Randy Polan and Scott Dorsey to attend the Supervisory Personnel Class and Jamie Schaller to attend the Records Management Class. Jim Bauer second. Motion Carried 3/0**

3. 2023 Washington County Association of Township Officials Convention will be held on Thursday October 12, 2023 at the Hilton Garden Inn Southpointe. RSVP needed before September 15, 2023.

Jim Bauer read.

4. Motion to approve passing a Resolution (#2023-3) to send to the Washington County Association of Township Officials requesting changes to the Right to Know Law.

Jim McGraw read the Resolution.

Ed Shingle – there is a sub-group that we are part of (2000-5000 group) I think we should send this to them also.

**Ed Shingle made the motion to approve Resolution 2023-3. Randy Polan second. Motion Carried 3/0.**

5. Website Codification Addendum to the agreement State Law Subscription additional \$800.00

Jamie Schaller – we approved the codification package and then when we did the webinar meeting and started talking more about the process, we realized that for additional \$800.00 the module will link the new ordinance to the old ordinance and show the dates and changes that have been made.

**Jim Bauer made the motion to approve upgrading the codification package. Ed Shingle second. Motion Carried 3/0.**

23480

## 6. Tunnel Ridge proposed public waterline along Old National Pike and Toll Gate Road

Ed Shingle – this is not against you (Rich Hunter) I think it is a design issue more than anything, it's not that it can never happen, so maybe, I like the idea if they don't turn it over to us than it's not ours, that is my biggest worry that we are taking on Tunnel Ridge's problem. We can table it and get the Engineer to look at.

Jim Bauer – if they are willing to keep control of it for eighteen months – two years after the completion of mining then we shouldn't have any problems as the Township.

Ed Shingle – we don't know that and it's going to require a written agreement. The pump at the other end was for emergency use only.

Jim Bauer – is this the pump that Eric is talking about?

Ed Shingle – yes. This was never designed to be a fix.

Ed Shingle – we know that Mr. Barr may want to hook up because he is having water issues. The Hunter's aside we will probably have a few others picked up.

Eric Graham – did they do any testing when the tank is half full? Are there any potential remedies for this?

Ed Shingle – the second meeting we had there was not anymore design negotiations. We were concentrating on the usage numbers we didn't review the pressure issue. I didn't know about the DEP 20 pounds until I after the meeting.

Eric Graham – they are talking about a thousand feet on space between hydrants, we have historically told them we would not exceed one thousand, at least every thousand feet, and in that area if they go every thousand feet it may not make any sense, the first one maybe at five hundred feet, the second could be one thousand feet, the houses are sparsely populated so we should put the hydrants where the houses are but not exceeding one thousand feet. We will have to tell them to put one here, one here so on.

**Ed Shingle made the motion to table this item. Jim Bauer second. Motion Carried 3/0.**

## 7. Tunnel Ridge - DEP Approved Letter revision PMC 3 (*Official Plan for the McAdoo Portal Bath House*) with:

- 1) that the existing phase II pump station be replaced with the new McAdoo Pump Station.
- 2) Pump upgrades to the Loop Pump Station
- 3) Required compliance with following five (5) comments – (see letter)

**Ed Shingle made a motion to follow the DEP recommendations on the McAdoo Portal Bath House Project. Randy Polan second. Motion Carried 3/0.**

### DISCUSSION (ACTION) ITEMS:

1. Joint Municipal Purchasing Program: Discuss/Approve purchasing some or all of the following material.

Heidelberg Materials Northeast Inc. (bid amounts)

Superpave 9.5mm Fine Graded	500 tons	\$75.75 FOB / \$90.75 Delivered
Superpave 19.0mm Binder Course	1000 tons	\$68.50 FOB / \$83.50 Delivered

No action on this item.

2. Approve / Discuss getting Quotes for Cinders. (Discussion on the tonnage)

The Board decided to get quotes for 66 Tons of Cinders.

3. Approve / Discuss advertising the intent to appoint a certified public accountant to perform the 2023 annual audit in place of the elected auditors.

**Jim Bauer made the motion that we intend to advertise for a Certified Public Accountant to perform the 2023 Annual Audit in place of our elected auditors. Ed Shingle second. Motion Carried 3/0.**

4. Financial Management Basics for Small Utilities: discussion / approve sending personnel to this workshop on September 19, 2023. Workshop location DoubleTree Hotel Meadowlands. Fee \$135.00 per person.

**Jim Bauer made the motion to approve Jamie Schaller to attend the workshop. Ed Shingle second. Motion Carried 3/0.**

5. Initiate claim for losses incurred by legal matters stemming from the Township Audit

Jim Bauer – we are going to have Jamie Schaller work on this with Jim McGraw.

6. Discussion on sending a letter to the RTK Office regarding Right to Knows.

Ed Shingle, we need to send them something, we can attach the resolution we just passed.

**Ed Shingle made the motion to have the Solicitors Office complain to the RTK Office (OOR) vigorously. Jim Bauer second. Motion Carried 3/0.**

7. Discussion on forming a Planning Commission

The Board discussed about advertising or talking to residents to see if they are interested in serving on the Planning Commission. The Board will ask around to see if anyone is interested.

8. Discussion / Approval on getting proposals for the 2024 budget for the following: Engineering Services, IT Services and BCO Services (any others)

Jim Bauer – I think this is something that we would like to do. We can call around and ask for proposals.

9. Computer Upgrades

No information at this time on this item.

10. Water Operator

Jim Bauer – have we heard back from anyone?

Ed Shingle – We heard from one person and we are waiting to hear back.

Ed Shingle – I would like the solicitor to look into whether we need a licensed water operator, we don't treat water, if we had a bad lab what are we going to do about it. We can't adjust any chemicals.

Mr. McGraw – We can look into this, so the preference is to not have a water operator?

Ed Shingle – yes, I think it is an unnecessary expense to the Township.

11. Budget Workshop Meetings

**Jim Bauer made the motion to approve advertising the budget workshop meetings for October 4, 2023 October 25, 2023 and November 29, 2023 at 10:00 am. Ed Shingle second. Motion Carried 3/0.**

12. (FYI) Washington County Joint Municipal Purchasing Program Winter Materials (form submitted 8-16-2023).

13. Closing the Office, the week of the fair (September 4-8 2023)

**Ed Shingle made the motion to close the office the week of the fair. Randy Polan second. Motion carried 3/0.**

**PUBLIC COMMENTS:** None

**ADJOURNMENT OF MEETING:**

**Randy Polan made the motion to adjourn the meeting at 8:55 pm. Ed Shingle second. Motion Carried 3/0**

  
Jamie M. Schaller Secretary/Treasurer

  
James R. Bauer Jr. Chairman