

Donegal Township Board of Supervisors
Regular Monthly Meeting
May 18, 2020
7:00 P.M.

The meeting of the Board of Supervisors of Donegal Township was called to order by Chairman Richard Fidler at 7:10 p.m. The meeting was held as a virtual meeting utilizing a Zoom Video Conferencing Application with residents attending by computer, cell phone or landline, in person by choice, due to the Coronavirus pandemic. Board Members in attendance by Roll Call: Richard Fidler, Tammi Iams, Richard Martin, Kathleen Croft, Edward Shingle. Also in attendance: Lane Turturice—Solicitor, Judith Taylor—Secretary/Treasurer. The Pledge of Allegiance to the Flag was recited. Chairman Fidler announced the meeting was being recorded, and the video would be posted to the Township website.

Public Comment On Agenda Items Only:

Pam Kinskey, 841 Dry Ridge Road, commented that she should have been able to receive a copy of the police report for the damages to her fence as she was willing to purchase it. Chief Yancosek stated he had spoken to her attorney and had provided the accident report to him; the investigation was ongoing including the information supplied by Ms. Kinskey, but the video-enhancing equipment owned by the Township was too outdated to be useful.

Eric Graham, 83 Highland Avenue, questioned if the plans for the Tunnel Ridge Waterline Extension Project had been prepared to date, and the current status of the outstanding items from the Waynesburg Road waterline extension project. Ms. Iams stated that the motions on the agenda were applications for permitting only at this time, as it takes some months to receive the permits; and that the incomplete items on Waynesburg Road were being addressed with Tunnel Ridge.

Motion to approve the minutes from the Board of Supervisors Regular Monthly Meeting held on March 30, 2020

Motion by Tammi Iams, Second by Richard Martin

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Mr. Shingle stated that the minutes as approved were not a true reflection of the actions of the Board.

Motion to approve the minutes from the Board of Supervisors Regular Monthly Meeting held on April 20, 2020

Motion by Richard Fidler, Second by Tammi Iams

Prior to the vote, a motion to table the motion was made as follows:

Motion to table the minutes from the Board of Supervisors Regular Monthly Meeting held on April 20, 2020

Motion by Kathleen Croft, Second by Edward Shingle

Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Roll Call Vote on motion to approve the minutes of April 20, 2020: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Mr. Shingle stated that the minutes as approved were not a true reflection of the actions of the Board.

Motion to amend the minutes from the Board of Supervisors Regular Monthly Meeting held on April 20, 2020 due to a motion to table the motion to table the Treasurer's report made by Ms. Croft and seconded by Mr. Shingle was ignored during the discussion and was not voted on
Motion by Kathleen Croft, Second by Edward Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Mr. Shingle again stated that the minutes as approved were not a true reflection of the actions of the Board.

Motion to approve the Treasurer's Report dated April 21, 2020 through May 8, 2020
Motion by Tammi Iams, Second by Richard Fidler
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to approve the bills as listed on the unpaid bill list, except the Groff Tractor invoice for \$1,400.00 as there was a question what items were purchased
Motion by Tammi Iams, Second by Richard Fidler

Prior to the vote, in further discussion, Edward Kraushaar, attending by phone, clarified that an electronic accelerator and a replacement bucket for the excavator had been purchased from Groff Tractor with the approval of Mr. Fidler.

Motion to table the motion to approve the bills as listed on the unpaid bill list
Motion by Ms. Croft, Second by Mr. Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

The Board reviewed the invoices submitted by the solicitor, Turturice & Associates, and the labor counsel, Timothy Berggren.

Motion to table the solicitor's bills
Motion by Ms. Croft, Second by Mr. Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Ms. Iams amended and restated the motion with the second of Mr. Fidler as follows:

Motion to approve the bills as listed on the unpaid bill list, including the Groff Tractor invoice in the amount of \$1,400.00
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

The Code Enforcement Report was presented by Mark Gordon. Two complaints were followed up on dealing with garbage dumping, and a possible boundary issue, which would be a civil matter.

Eric Graham, Township Fire Marshal, presented the Fire Department report for April 2020. There were 15 calls for service, average response time of 8.36 minutes, 53 man hours. He reported a loss of approximately \$40,000 due to a lack of fundraising opportunities because of the stay-at-home orders, but they will be receiving grant monies of approximately \$17,000 and another grant for PPE of approximately \$3,000 may be available. Mr. Graham stated the mortality rate for COVID-19 is up to 7% of confirmed cases, and social distancing should continue. He noted that the fire department had a problem opening a fire hydrant while fighting a fire recently. All of the fire hydrants will be inspected for any maintenance issues, and the flow rates will be tested as well according to the regular five-year schedule. He is suggesting yearly inspections of the hydrants in future. He noted he had no information on the new hydrants on Waynesburg Road. Ms. Iams will look into this matter. Mr. Graham had no Fire Marshal report.

Ms. Iams presented the Water and Office reports. She reported Judy Taylor is handling all information coming into the office and that all required payroll quarterly filings had been submitted. Tunnel Ridge has been working with the township for the last two years for another waterline extension along Old Brick Road to their property at 630 Old Brick Road. They have asked the Board to consider submissions for various applicable permits required prior to the extension being presented to the Board, which will take nine months to a year to receive. The Township is not committing to the extension project, only permitting and there will no cost to the Township for the permits. If the project is approved by the Board, Tunnel Ridge will enter into a Developer's Agreement and post an escrow prior to approval for construction.

The office and engineer are working on getting quotes for stormwater and sewage treatment plant repairs to be in compliance with the findings in the DEP inspection report. If the quotes are over the threshold amount, the project will need to be advertised for bids by Widmer Engineering. The Water Department has been working on Rules and Regulations for both water and sewage departments as well as a revised fee schedule. The drafts will be presented to the Board for review when completed.

Motion to remove Supervisors authority to spend \$2,500 per month per department unless for equipment or tires

Motion by Ms. Croft, Second by Mr. Shingle

Prior to the vote, a motion to table was made as follows:

Motion to table the motion to remove Supervisors authority to spend \$2,500 per month per department unless for equipment or tires

Motion by Tammi Iams, Second by Richard Martin

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to approve submission of the National Pollutant Discharge Elimination System (NPDES) General Permit Notice of Intent (NOI) prepared by Senate Engineering for the Old Brick Road Waterline Extension Project at no cost to the Township

Motion by Tammi Iams, Second by Richard Fidler

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Mr. Shingle noted that there were costs incurred by the Township for the meeting with Tunnel Ridge to discuss the waterline extension. Ms. Iams will discuss the issue of the costs with Tunnel Ridge.

Motion to approve submission of the Chapter 105 Water Obstruction and Encroachment General Permit Registration, GP-5 Utility Line Stream Crossing prepared by Senate Engineering for the Old Brick Road Waterline Extension Project at no cost to the Township
Motion by Tammi Iams, Second by Richard Fidler
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to authorize Senate Engineering to submit PennDOT Permit Application No. 205923 via PennDOT Form M-950AA relating to the Old Brick Road Waterline Extension Project at no cost to the Township
Motion by Tammi Iams, Second by Richard Fidler
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to have the December 16, 2019 minutes to be written
Motion by Ms. Croft, Second by Mr. Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Ms. Iams stated that the secretary/treasurer would transcribe the December minutes when possible.

Motion to solicit bids for an independent audit for 2019
Motion by Ms. Croft, Second by Mr. Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

There was no report on Parks & Recreation.

Chief John Yancosek presented the Police report for April 2020. There were 488 man hours, 70 calls for service, 165 events, approximately 2,997 miles patrolled.

Motion to send a reminder to Buffalo Township that they still owe for approximately three (3) months of police services
Motion by Kathy Croft, Second by Edward Shingle
Prior to the vote the motion was amended by Ms. Croft with the second of Mr. Shingle as follows:

Motion to have Chief Yancosek place a courtesy phone call to Buffalo Township to request payment for an approximate three (3) months of police services
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—yes, Shingle—yes. Motion carried.

Motion to have the Board of Supervisors sit down with Buffalo Township Board of Supervisors to work on the contract for police services

Motion by Ms. Croft, Second by Mr. Shingle

Prior to the vote the solicitor informed the board that the Buffalo Township Board would be meeting to review the contract provided to them by Donegal, and any meeting between the two Boards would need to be advertised. A motion to table was made as follows:

Motion to table the motion to have the Board of Supervisors sit down with Buffalo Township Board of Supervisors to work on the contract for police services

Motion by Tammi Iams, Second by Richard Martin

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to withdraw the lawsuit filed by Donegal Township against the Donegal Police Bargaining Unit and to abide by the valid contract of December 30, 2019

Motion by Ms. Croft, Second by Mr. Shingle

Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Motion to remove Tammi Iams as a member of the negotiating team, due to a prior conflict with the Police Department and replace her with Edward Shingle

Motion by Ms. Croft, Second by Mr. Shingle

Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Motion to move forward with the lawsuit filed by Donegal Township against the Donegal Police Bargaining Unit

Motion by Mr. Shingle, Second by Ms. Croft

Prior to the vote a motion to table the motion was made as follows

Motion to table the motion to move forward with the lawsuit filed by Donegal Township against the Donegal Police Bargaining Unit

Motion by Tammi Iams, Second by Rick Fidler

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Mr. Fidler presented the road report. The road crew placed pipes on Valley Road, dragged roads, completed the flagger training course, worked on slip on Wilhelm Road, cleaned pipes and bleeders with excavator, worked on tar & chip scheduling. He reported he had met with Tunnel Ridge about Waynesburg Road; the road crew will be installing cross pipes every 100 feet to improve drainage with Tunnel Ridge to pay for stone and pipe and paving materials/asphalt. He has also met with SWN, and they will be taking care of the repairs to Main Road. Mr. Fidler reported the roads that will be sealed this year.

Motion to schedule street sweeping services in West Alexander with Ten Mile Paving in the amount of \$110.00 per hour per their telephonic quote

Motion by Richard Fidler, Second by Tammi Iams

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

The proposed purchase of a road grader was discussed with quotes with specs from various manufacturers to be reviewed by the board.

Motion for Rick Fidler and Mrs. Taylor to draft and send a letter to PennDOT regarding the condition of Lake Road

Motion by Ms. Croft, Second by Mr. Shingle

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—yes, Shingle—yes. Motion carried.

Ms. Croft asked which roads were being considered for Dirt & Gravel Projects. Mr. Kraushaar stated that he was considering Wilhelm, Buck Run or Backbone Roads for a possible Dirt & Gravel Road Project.

Motion to approve signing the paperwork when it arrives requesting reimbursement from the Washington County Conservation District for the Pogue Road Dirt & Gravel Roads project in the amount of \$31,400.00

Motion by Ms. Croft, Second by Mr. Shingle

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—yes, Shingle—yes. Motion carried.

Motion to transfer funds from the State Fund into the General Fund to reimburse all Liquid Fuels eligible roadcrew payroll expenses

Motion by Ms. Croft, Second by Mr. Shingle

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—yes, Shingle—yes. Motion carried.

The solicitor presented his report regarding the proposed agreement with Buffalo Township currently being reviewed by its Board of Supervisors; working on Office of Open Records appeals—one in mediation and one having a hearing; based on conversations with Timothy Berggren the contract negotiations with the police association are being productive and they are meeting; and he is working with the insurance carrier handling a litigation issue and gathering documents.

Motion to have the Board of Supervisors meet with Timothy Berggren

Motion by Ms. Croft, Second by Mr. Shingle

Prior to the vote, a motion to table was made as follows:

Motion to table the motion to have the Board of Supervisors meet with Timothy Berggren

Motion by Tammi Iams, Second by Richard Martin

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to uphold the motion from January 6, 2020 Board meeting for all labor negotiations and labor issues to be handled by Timothy Berggren, including the road department
Motion by Kathleen Croft, Second by Edward Shingle
Prior to the vote a motion to table was made as follows:

Motion to table the motion to uphold the motion from January 6, 2020 Board meeting for all labor negotiations and labor issues to be handled by Timothy Berggren, including the road department
Motion by Tammi Iams, Second by Richard Martin
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to table the rest of the meeting
Motion by Edward Shingle, Second by Kathleen Croft
Prior to a vote, the solicitor stated that motion was improper, it should be to continue the meeting.

Motion to continue the Board meeting to Tuesday, May 26, 2020 at 7:00 p.m.
Motion by Kathleen Croft, Second by Edward Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Motion to take from the table the motion to hire Brittan Laird as a full-time police officer as soon as he is eligible
Motion by Edward Shingle, Second by Kathleen Croft
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Motion to take from the table a motion to remove Richard Martin as the supervisor of the Police Department due to a bias statement
Motion by Kathleen Croft, Second by Edward Shingle
Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—yes, Shingle—yes. Motion carried.

Mr. Martin stated Ms. Sherry Laird commented at the April 20, 2020 meeting that a supervisor was speaking about a police state. He stated he did not make that statement as he does not use that term in public or private, it would be inappropriate. He stated he was having a private conversation in the supervisor's office with the Board of Auditors when Ms. Croft entered the room. Mr. Martin told her she was abusing police powers. He said that the Chair of the Board of Auditors told him he agreed that he had not used that term.

Ms. Sherry Laird, 393 Delashawn Road, commented that her son is fully qualified as a police officer and can get a job anywhere he wishes.

Motion to remove Richard Martin as the supervisor in charge of the Police Department
Motion by Kathleen Croft, Second by Edward Shingle
Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Motion to approve MarkWest Liberty Midstream & Resources LLC renewal of Heavy Hauling Permit for .97 miles on Waynesburg Road, with renewal fees of \$250.00, updated application, contractors list and certificate of insurance have been received

Motion by Tammi Iams, Second by Richard Fidler

Prior to the vote, a motion to table was made as follows:

Motion to table the motion to approve MarkWest Liberty Midstream & Resources LLC renewal of Heavy Hauling Permit for .97 miles on Waynesburg Road, with renewal fees of \$250.00, updated application, contractors list and certificate of insurance have been received

Motion by Edward Shingle, Second by Kathleen Croft

Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Roll Call Vote to approve MarkWest Liberty Midstream & Resources renewal of Heavy Hauling Permit for .97 miles on Waynesburg Road: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to update the Heavy Hauling Ordinance

Motion by Tammi Iams, Second by Richard Martin

Roll Call Vote: Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no.

Motion carried.

Motion to approve MarkWest Liberty Midstream & Resources LLC renewal of Heavy Hauling Permit for 4.55 miles on Old National Pike, with renewal fees of \$250.00, updated application, contractors list and certificate of insurance have been received, and to exchange the two previous road bonds issued for portions of the road for one bond for the entire length of the road

Motion by Richard Fidler, Second by Tammi Iams

Prior to the vote, a motion to table was made as follows:

Motion to table the motion to approve MarkWest Liberty Midstream & Resources LLC renewal of Heavy Hauling Permit for 4.55 miles on Old National Pike, with renewal fees of \$250.00, updated application, contractors list and certificate of insurance have been received, and to exchange the two previous road bonds issued for portions of the road for one bond for the entire length of the road

Motion by Edward Shingle, Second by Kathleen Croft

Roll Call Vote: Fidler—no, Iams—no, Martin—no, Croft—yes, Shingle—yes. Motion failed.

Roll Call Vote to approve MarkWest Liberty Midstream & Resources LLC renewal of Heavy Hauling Permit for 4.55 miles on Old National Pike: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to approve with regret the request received from Danielle Baldwin for release from the rental agreement for the second floor of the Township building for the month of March through December 2020 with no rent to be charged due to permanent closure of the Daycare facility due to the Coronavirus pandemic

Motion by Richard Martin, Second by Tammi Iams

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft--yes, Shingle—yes. Motion carried.

Motion to contract with Remax Realty to handle the rental of the upstairs

Motion by Edward Shingle, Second by Kathleen Croft

During discussion, Mr. Shingle added the following details: all advertising including 39 search engines, do all of the appointments and showings, write the lease and vet the tenants, for the fee amount of one month's rental, and the agent he had spoken with was Julie Graham.

Prior to the vote, a motion to table was made as follows:

Motion to table the motion to contract with Remax Realty to handle the rental of the upstairs

Motion by Richard Fidler, Second by Richard Martin

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.

Motion to adjourn the Board meeting at 12:00 a.m.

Motion by Richard Martin, Second by Richard Fidler

Roll Call Vote: Fidler—yes, Iams—yes, Martin—yes, Croft—no, Shingle—no. Motion carried.


Judith L. Taylor, Secretary/Treasurer