

**Donegal Township  
Supervisors Monthly Meeting Minutes  
Thursday, March 10, 2022  
7:00 P. M.**

19491

The meeting of the Board of Supervisors of Donegal Township was called to order by Chairman, James Bauer Jr at 7:01 p.m. The meeting was held at the West Alexander Fire Department. The meeting was held as an in-person meeting. Board members in attendance by Roll Call; James Bauer Jr., and Edward Shingle Also in attendance: James McGraw - Solicitor, Heather Wood - Secretary/Treasurer. Prayer was given by Jeff Dittmer. The Pledge of Allegiance to the Flag was recited. Chairman Bauer announced the meeting was being recorded.

Announcement of Executive Session held on February 15, 2022 from 2:30 pm to 5:15 pm to discuss ongoing litigation for surcharge case Docket # 2020-7052 and personal matter pertaining to police department

Announced Meeting with Board of Supervisors and Local 66 Representative held on February 21, 2022 from 10:00 am to 11:10am to discuss outstanding grievances

1. Mr. Shingle made a motion to adopt the agenda giving the chair the privilege to adjust. Mr. Bauer seconded the motion.

VOTES: 2 - YES 0 - NO

Motion carried

2. Mr. Shingle made a motion to adopt Resolution 2022-4 - a policy as to how public meetings will be operated, to supercede the previous resolution. Mr. Bauer seconded the motion.

Tammi Iams asked if they were going to rescind the previous resolution.

Mrs. Martin asked who wrote that. Mr. Bauer said they had the attorney write it. Iams asked when was that decision made? Mr. Bauer said he doesn't know that actually. Mr. McGraw says in reference to any previous resolutions pertaining to meeting decorum, you can have this amended and reenact a month from now, you could also have Mr. Shingle make a motion subject to this resolution superseding any previous resolutions associated with conduct of meetings. Mrs. Martin asked wasn't in the past that the Secretary written most of the resolutions and then went to the solicitor for approval and checked instead of paying the solicitor \$175.00 p/hour to do that. Bauer stated he didn't know who did them in the past; he only knows who did this one. Martin asked how is approval given to have the attorney do it. Mrs. Croft asked if passed could it be added to the website. Mr. Bauer said yes and directed Heather to put it on the website. Mrs. Martin asked if the resolutions are not to be made public before you pass them for us to look at them and to make comments if we'd like. Mr. Shingle replied no, they are just resolutions. Mr. Bauer said she could comment now if she'd like. Martin says hasn't read it herself and Mr. Shingle didn't read it all. Mr. Bauer asked if they would like them to read it all. Mrs. Shingle says at the school board any school board member could write a resolution, present it that day and it is voted; believes that is the legal way, do it all the time there. Mrs. Martin asked if they could make it available and pass it next month. Mr. Shingle asked Bauer if he seconded the motion; he did. Mr. Ealy asked to make it available and pass it at the next meeting, Mr. Bauer said we are going to pass it right now, we have a vote and a second, we are gonna call for the vote



Mrs. Iams says they are going to do what they want. Mrs. Gilmore asked Jim when they had a public meeting to approve all of this; you have to vote on making that resolution and vote on paying the attorney to do it and none of that has been done. Mr. McGraw suggested not to comment on discussions with their office.

VOTES: 2 - YES 0 - NO

Motion carried

#### PUBLIC COMMENT:

Dave Ealy says at the December meeting, Mr. Polan was talking about vendetta and how we need to let vendetta go so my question is when is the vendetta be let go of Mrs. Wood's? She wasn't at the agenda meeting because she was sick, she notified some of board members that she would not be there but on Kathy's facebook page she was getting blasted because she wasn't at the meeting when someone sitting up there could have simply said Heather is sick or whatever.

Mrs. Martin said I believe what was said was she complains about everything and it wasn't worth her time to come, that was said at the very beginning of the video.

Dave Ealy said some of you in the room may not like her and that is your prerogative but she is the Secretary/Treasurer of the Township and she is going to be here until you find a way to get rid of her, I'm sure of yins would like Mrs. Croft to be the Township Manager and her not to be in that position and that's fine but until that day comes what has it cost this Township so far with litigation between Mrs. Croft and Mr. Shingle, \$70K over the fact of Mrs Wood, this is speculation of Mrs. Wood catching Mrs. Croft downloading township files on a thumb drive and could have been personnel files who knows. Martin says there was. Ealy says after that it was all out assault on Mrs. Wood because she called Mrs. Croft out on it and my thing is we want to talk about letting vendetta go, lets move on because it cost the Township enough money right now. Mr. Shingle asked is this public comment on agenda items. Ealy said its public comment period. Talked about transparency and pointed out that Mr. Shingle was one of the ones that was all for everyone talking on every agenda item all along and asked what changed? Ealy said there is a reason why she is back working in the Township, they ruled in her favor now time to work with her and move on.

Mrs. Martin prior to this Board when Mr. Turturice came on Board there were so many people that was upset because he had an association with some; I believe Mr. Shingle has an association with the Lynch Group over the surcharge case because they entered an appearance on that case weather it didn't happen or not they still entered an appearance so obviously they were hired and then you have to wonder cause I think I saw a bill for over \$4000 for one month and I'd like to see a breakdown of that bill; they have been available before. Mr. McGraw addressed the comment with the Boards permission, with respect to that surcharge case I assume vague recollection of that, it was something that not the surcharge case, the election matter, my former partner initiated us getting involved in their on some level, I think, Ed I don't want to misstate anything but Todd may have known you through mutual contacts and that never went anywhere for us. Mrs. Martin stated that it was McGraw name on the appearance. McGraw stated that they had a bit of a hurry up circumstance when it appeared that we may involved in that and it never really went anywhere and then based on the existing relationship I and some other attorneys at my firm had done some Municipal work, we were asked to speak to the then incoming supervisors about the possibility of representing the Township, that is how the relationship evolved. Martin says in the executive meetings your having over the federal cases the solicitor is not really involved in that, that is the insurance attorney so is the solicitor at the



executive meetings when you're talking about litigations that other attorneys are taking care of. Mr. Bauer said it's public comment not question and answer time. Mr. Shingle said we are not going to discuss legal strategy.

Betty Shingle wanted to read a comment the word insubordinate means to be non submissive to authority, to be rebellious, disobedient and malicious and we have seen a lot of that going on with some Township employees here and we are all a little bit tired of it. In response to something mentioned earlier when sitting in front of the public you are open to public scrutiny and people are going to criticize you, if you don't feel that you can take that seat you need to remove yourself from it.

J.D. Martin had a question pertaining to the Police Department, and were some concerns about the handling of a rape case back from reorganization meeting and since then there have been other concerns of the handling of other cases and I know for a fact that one of the family members of the Sprowls hardware talked to Randy Polan about the issues and is wondering if he said anything to you guys, have you guys looked into it, do you plan to look into it to see what did or did not happen. Mr. Bauer said he knew nothing about it. Mr. Shingle said it would be a personnel matter. JD Martin asked doesn't John answer to you guys, you're his boss. Audience said no. JD says if there are issues raised I think it would be at your best interest to look into it.

Mrs. Gilmore says the agenda is pretty sparse, are you going to explain each and every item; like the radix. Mr. Bauer said we will explain it.

Mrs. Iams are you going to allow questions at that time being it is really sparse, it kind of goes against the sunshine law, the Reading case, the agenda should be at least enough that we know what to comment on. Mr. Bauer said we will let you comment after the motion and the second.

JD Martin says he brought something up last time about all the grievances and all the stuff and instead of filing a grievance try to work together; if you work for the township you should be working for the township not against it. Bill and I had a conversation, you commented after the meeting had ended and Bill had brought up that Mrs Croft cost this township a lot of money and Dave is talking about grievances, I'm not gonna talk about speculation, not gonna talk about facebook, anything outside this room, these meetings and what happens here. Mentions Mrs. Croft is not on the Board anymore, let's move on, the majority voted for a new Board and nobody is giving them a chance. Would have been great if this many people showed up at the last meetings for the last Board. He stated that they were attacked at the first meeting and 2 out of the 3 know nothing about it. Says that Bill said they didn't come talk to you but did you make effort to talk to them; work together. I offered to facilitate or interject.

Mr. Riggie said he would comment on his comment but he is not allowed to talk at the meetings anymore.

Mrs. Fidler asked why not because he is a taxpayer.

Mrs. Iams says as for the contracts read the contracts and you will know what is going on and the Board needs to remember that there are 3 of you, 2 is a quorum and it gives off a bad appearance that you are having meetings or making decisions, the law is very clear that 2 is a quorum any type of discussions, emails, text messages, anything with all of you together can constitute a meeting which is then public. I am only giving as advice so that you can adhere to it because I have witnessed some meetings happening outside of this meeting.



APPROVAL OF MINUTES:

Mr. Shingle made a motion to approve the minutes from the Board of Supervisors regular monthly meeting held on February 10, 2022 amending to fix Mrs. Hewitt-Laird comment to.....

Mr Bauer seconded the motion.

Votes: 1 -YES 1 - NO

Motion died

FINANCIAL BUSINESS:

Mr. Shingle made a motion to approve the Treasurer's report dated February 1, 2022 through February 28, 2022. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

Mr. Bauer made a motion to approve the bills as listed on the unpaid bills list dated February 1, 2022 February 28, 2022. With amending to add \$140 to be paid to Camco on invoice #642090; bill the school half and to pull the bill for Turturice of late fees.of \$78.99 and to hold Gramboys bill of \$8310.00 until the Wheeling Water checks come in and then send it out. Mr. Shingle seconded the motion.

Votes: 2- YES 0 - NO

Motion carried

DEPARTMENT REPORTS:

Code Enforcement - None

Fire Department - Chief Graham read

Fire Marshal - Chief Graham had nothing to report

Office - Jim Bauer - 2021 Audit in progress

Water - Ed Shingle - Wheeling Water contract this week and will call Ed and set up a meet

Parks-n-Rec - Heather spoke, she emailed and had meeting last night and had 3 in attendance

Police Department - Chief Yancosek read

Road Department - None

Solicitor - None

OLD BUSINESS:

1. Mr. Shingle made a motion to adopt Resolution 2022-2 regarding the Emergency Management Plan and the Promulgation. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

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2. Mr. Bauer made a motion to hire Newman's Landscaping to take two (2) down; Ebbert Rd. and Buck Run in the amount of \$1800.00 and to be paid out of ACT 13. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

3. Mr. Shingle made a motion to purchase 35 hydrant markers to be paid out of ACT 13. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

4. No action on a backup engineer

5. Mr. Shingle made a motion to ratify the emergency declaration from winter storm Landon. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO Motion carried  
Heather stated that I needed the original document so that I could sign it and seal it. Zach Prescott will send it electronically. Eric Graham stated that a copy of that as well as a copy of the functional checklist have already been sent to the county. Heather asked for a copy of the checklist to keep a record in the office as I was not given anything.

#### NEW BUSINESS:

1. Mr. Bauer made a motion to advertise for in-place tarring and chipping, quantities to be determined prior to advertising, to advertise 2 times 3 days apart and to be paid out of Liquid Fuels. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

2. Mr. Bauer made a motion to participate with the A.D.S. Co-op with bidding for 1500n ton of #67's. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

3. Mr. Bauer made a motion to participate with the Costars for bidding salt for winter 2022 in quantities of 150 +/- as bid is due March 15, 2022. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

4. Mr. Shingle made a motion to reimburse Susanne Dorsey, tax collector in the amount of \$705.80 for envelopes as required for the tax collector. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

5. Mr. Shingle made a motion to accept the resignation of Kathleen Gilmore. Mr. Bauer seconded the motion.

Mrs. Martin asked if it would be read as it always has been in the past. Mr. Bauer said we will make it available for anybody that wants it.

Mrs. Iams suggest that you amend the motion because we have to advertise to replace her before the next municipal election. Mr. Bauer said we don't have to advertise, we had a letter of



interest and will act on that later. Mrs. Fidler and Mrs. Gilmore stated how would anybody know. Mrs. Martin asked don't they have to give other people an opportunity to put in a letter of interest. Mrs. Prescott stated when she was not accepted to be an auditor for the next term, it was not advertised because the next day after you made the motion, Lee Rogers came in with his letter of interest and you guys approved it and accepted it and the next round Linda Geric came in and you did not advertise it. Iams says and this Board says they don't want to do vendetta's, they want to do the right thing so why not do the right thing when we did wrong.

Votes: 2 - YES 0 - NO

Motion carried

Mrs. Iams stated that she wanted to put her application in as well then; I will verbally tell you.

6. Mr. Shingle made a motion to appoint Jeri Zwicker to fill the vacancy on the Board of auditors. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

Mr. McGraw addressed the resignation letter - there was a single item that the Board directed me to address from that letter which specifically in reference to bargaining unit fees that are payroll deducted at the request of the police department so they can take those and pay them into what I gather to be a single account that is used to fund their bargaining practices and the letter raised a guess which we can characterize some questions in respect to that practice so after some conversations with the Police Chief the Board is satisfied here that those fees are again payroll deducted per the request of the police department, it's not creating any additional monies, leaving any accounts belonging to Donegal Township and those folks then do what it is they choose to do, we take it as face value of course that what they are doing is directing those funds to a single account and to fund their bargaining units efforts and at that point it ceases to be a township issue at all, what we do know is that there is no money missing, or no financial inprapirity associated with that practice of payroll deducting monies those guys get paid what they get paid, money goes out and what they do with it is what they do with it. Mrs. Martin asked is there not a place in that law that something that says any employees or department that has funds from the Township is to be audited, I know I just read that 2 days ago, it was in the auditors manual. McGraw asked is your question is that something that is subject to audit. Martin replies yes. McGraw says that is something pervy to the auditors weather it is or isn't. It would be inappropriate for the supervisors to comment on the practices of the auditors. Eric Graham asked its a payroll deduction from their pay, so each one decides out of my money you keep \$2.00 and send it there, its not something that the township is adding, its not a fee to the township. JD Martin says it is not different than like union dues or a membership. Mrs. Gilmore stated that per their attorney, he said absolutely, its money coming out of a payroll, an employee's payroll the only thing we wanted to see was was this money actually deposited into an account, couldn't get that, we can't say how they spend it but we have to prove that all these deductions are going were they are suppose to go, the checks are written out and handed to Chief Yancosek. Mr. Bauer stated it goes into a bank account that is stamped on the back of a canceled check at the bank.

7. Mr. Bauer made a motion to direct the Secretary to send a letter to J&M logging to come out and clean up their mess; Heather asked to reference Rich's letter, sending certified. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried



8. Mr. Bauer made a motion to reach out to Bean Counters for a contract and confirmation of pricing. Mr. Shingle seconded the motion.

Mrs. Hewitt-Laird asked what services are they providing. Mr. Bauer stated bi-weekly payroll of 15 or less employees, quarterly filing; federal, states, unemployment, local, set up fee due to transition of middle of the year of \$300.00; goes away after the 1st year, a \$5.00 charge at the end of the year for W2.

9. Mr. Shingle made a motion to approve Columbia Gas Transmission heavy hauling renewal permit on Delashawn Rd for .39 mile, Old National Pike for 2.50 mile, and Waynesburg Rd for .50 mile ; agreement, application, updated insurance certificate and fees have been received; bond is still in effect and escrow monies still in account and to be videoed by the Engineer. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

10. Mr. Shingle made a motion to purchase the radix; water meter reader, pending checking with WEJA to see if they can do billing cheaper and check on warranty/insurance, not to exceed \$3400 and to purchase out of water and sewage account. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

11. Mr. Shingle made a motion to table accepting the UPMC renewal. Mr. Bauer directed Heather to reach out to UPMC to ask about extending the acceptance date. - No action taken

12. Mr. Shingle made a motion to reimburse Susanne Dorsey in the amount of \$90.18 for toner and perforated paper (sales tax was deducted) Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

13. No action on adopting the Resolution 2022-3; Washington County 2022 Hazard Vulnerability Assessment and Mitigation Plan

14. Mr. Bauer made a motion to advertise the Dye testing ordinance once corrections have been made by the solicitor and forwarded on to Heather. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

15. Mr. Shingle made a motion to proceed with the minor repairs and direct the engineer to proceed with the permitting process; just tell them that we are in negotiations with Wheeling Water; direct Richy to do portions and a certified plumber to install the check valve and not to exceed \$400. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

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16. Lafayette sign - have Heather inquire more regarding the "donation" part of the signage

17. Mr. Shingle made a motion to move the departmental reports to the agenda meeting night instead of the business meeting night for time sakes and more public input. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

18. Mr. Shingle made a motion to advertise for a water and sewage informational workshop on April 21, 2022 at 7:00 pm to be held at 34 N. Liberty St. West Alexander, PA 15376. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

19. Mr. Bauer made a motion to move back into 34 N. Liberty St. based off the air quality test results that came back last week and Harshman's letter, using the 1st floor, putting up a plastic barrier at the swinging doors going downstairs, having Richy do that and work to begin remediations and work in conjunction with recommendations and direction from Harshman CE Group and the only exception is that the Secretary/treasurer will not move into the offices until full remediation is done and additional air quality test have been taken upon full remediation and to be paid out of the ARPA funds. Mr. Shingle seconded the motion

Votes: 2 - YES 0 - NO Motion carried

At this time we are not renting the gym.

20. Mr. Shingle made a motion to approve the Danna Subdivision conditional to sewage mailer being approved. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

21. Mr. Bauer made a motion to table gutters at 727 Old National Pike, Claysville, PA 15323. Mr. Shingle seconded the motion.

Votes: 2 - YES 0 - NO Motion carried

22. Mr. Bauer made a motion to approve Tunnel Ridge heavy hauling renewal permits on Ebbert Rd. for 1 mile , Old National Pike for 5 mile, and dWaymesburg Rdg for 3 mile; agreement, application, updated insurance certificate and fees have been received; bond is still in effect and escrow monies still in account and to be videoed by the Engineer. Mr. Shingle seconded the motion.

23. Update the subdivision plan application - Heather requested updating the subdivision application for all wrong information entailed; change meeting date, remove Planning Commission, remove the 2 meeting waiting period.



24. Mr. Shingle made a motion to enter into executive session for personnel Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

Entered into executive session at 10:09 pm.

Returned from executive session at 10:43 pm

Returned stating discussed labor relations

25. Mr. Shingle made a motion to adjourn. Mr. Bauer seconded the motion.

Votes: 2 - YES 0 - NO

Motion carried

Adjourned at 10:44 pm

Heather Wood

Heather Wood, Secretary/Treasurer



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