

Gallagher Township
Supervisors Meeting Minutes
September 14, 2022 ~ 7:00PM

The September 2022 regularly scheduled public meeting of the Gallagher Township Supervisors was called to order by Chairman Bill McCoy at 7:03 PM, followed by a moment of silence and the Pledge of Allegiance.

In Attendance: Supervisors Bill McCoy, Brian Hoy, Ken Porter; Township Solicitor, Justin Houser; Township Secretary, Mary Myers; and Township Residents; Jody Ritter, Timothy Lester, Brent Bowmaster, Aleasha Bowmaster, Loretta Coltrane, Warren Gottshall and Jacque Gottshall, Harvey Palmatary, Peg Neff, Kathy Harman, Michele Whitney, Jessica Jones, and Aaron Stephens.

The meeting minutes for the August 2022 Regular Scheduled Meeting were submitted for review and approved as presented, but the approval was rescinded after Timothy Lester questioned his statement under public comments. He stated there were two items, not one as the minutes listed. The August 2022 Regular Public Meeting Minutes were tabled pending review until the October 2022 Regular Scheduled Meeting.

A treasurer report, for all of the township's accounts- including all monthly invoices, payroll, liabilities and deposits was presented for review by all three supervisors. The total balance for all accounts as of August 31, 2022 was \$547,473.35 with total expenses and liabilities for the month \$19,553.93. Supervisor Porter made a motion to approved the financials as presented. Chairman McCoy seconded the motion; the motion unanimously carried. Chairman McCoy stated he had questioned Mary what account 99999.99 and she explained it was a Transfer Account via which she could transfer funds to and from the different township accounts in QuickBooks and there would be an electronic trail, not just a paper trail like in the past. Supervisor Hoy questioned what the Trial Balance was on the State Account. Mary explained that it was the dollar amount used when the account was initially set up in QuickBooks prior to everything being transferred over from the General Account.

Correspondences were presented for review by the Supervisors. No questions were asked or concerns noted.

A zoning report was received from Clinton County which included a list of all amended and issued building permits since January 2022. There were no permits issued or amended noted in the month of August 2022. Township Secretary stated she would be receiving a copy of this report every month prior to the Regular Monthly Meeting if any new permits were issued or amended for Gallagher Township.

Chairman McCoy stated an Executive Session was held on August 24, 2022 at the Gallagher Township Building at 6:00 PM. In attendance were Chairman Bill McCoy, Supervisors Porter and Hoy, and Township Solicitor Justin Houser. The purpose of the meeting was to discuss personnel grievances, policy and procedure manual, and legal matters.

Chairman McCoy questioned if the Board wanted to go into an executive session at this time? The Board of supervisors and the Township Solicitor, decided to continue with the meeting and hold the executive session later in the meeting if needed or after the meeting was adjourned.

Chairman McCoy presented the August 2022 Road Master Report: Dirt and Gravel was out to visit Queens Run Road and discovered an issue with a dam within 150 feet of the inlet. This has prompted other governmental agencies to become involved and caused the project to be placed on hold pending further investigation and resolution. The Township was advised if the outlet of the culvert sinks more; it can be temporarily repaired.

Chairman McCoy stated the township was out of diesel fuel; the gas in the tank was low and both vehicles needed to be serviced and inspected within the next two months. Chairman McCoy made a motion to use State Funds to purchase diesel fuel, top off the gas tank and have both vehicles serviced and inspected. Supervisor Porter seconded the motion; the motion unanimously carried.

Chairman McCoy advised that both he and Brent were scheduled to attend a Dirt & Gravel Recertification class on September 27 & 28. It is only a recertification class for current certificate holders, not a class to get the initial certification. Attending this class will allow him to continue to apply for grants on behalf of the township through DCED and the Dirt & Gravel Program. Timothy Lester questioned if all three Supervisors were attending the training because holding a certificate was part of the Roadmaster job description? Supervisor Hoy stated that it was optional and only one supervisor needed to be certified. Chairman McCoy agreed, but went on to say it would be beneficial to have more than one Supervisor certified with the example given if something were to happen and he was no longer with the township. Even with Brent certified, the DCED and the Dirt & Gravel Program recommend that more than one Township Supervisor to be certified. If there were only one and they left the township, the township would lose any grant money it was awarded due to the lack certification.

Chairman McCoy stated with vacations over, the Township employees will finish mowing all of the berms once the diesel fuel is delivered. He also stated the employees would be placing delineator markers alongside the roads and at pipe crossings in preparation for the upcoming snow season.

An SEO Report was presented by Chairman McCoy who stated there wasn't much activity during the month of August. Township Secretary, Mary Myers, stated while Chairman McCoy was on vacation, she assisted Kellen Krape in trying to locate a copy of an old perc test completed for Dave Hakki- for two lots across from Fin Fur & Feather- address 18195 Coudersport Pike, Lock Haven PA.

Public Comment

Jody Ritter, an Auditor, stated there was a budget of \$1000 set for 2022 for legal expenses and requested an explanation why the Township had spent \$2300 for legal expenses so far this year? Supervisor Hoy stated it was due to Right to Know requests, attending meetings, legal questions and Policy and Procedure updates. Chairman McCoy questioned Township Solicitor, Justin, if the Board needed to do anything because they were over budget for the year? The Township Solicitor stated, no, the Supervisors will want to address when working on next year's budget. The Township Secretary questioned, because they were over budget, if it would be a good idea to bring the bill to the monthly meeting to have reviewed and approved by the board? The Township Solicitor stated that would be a good practice to implement for any bills the township received and were over their annual budget on.

No additional public comment was made.

Old Business

Chairman McCoy stated they tabled the backhoe until this meeting and he questioned what the other two Supervisors wanted to do? Supervisor Hoy stated if it was ordered now, it wouldn't be available until February of March of 2023. Timothy Lester questioned if the township received three quotes? Supervisor Hoy stated, no because the township would be purchasing through Costars. Timothy then said, the township needs to look at more than one place. Jody Ritter questioned if the township had gotten pricing outside of Costars? Supervisor Hoy stated, no, typically Costars is cheaper due to the state contract. Peg Neff questioned how much the backhoe was going to cost? Supervisor Porter stated around \$110,000 and it would be purchased with Act 13 funds. Chairman McCoy stated it would be nice to have, and the township could afford it, but it was a large amount of money. He wasn't interested or in favor of moving forward with the purchase due to the current state of the economy and the loss of revenue in the upcoming year. Supervisor Hoy a made the motion to table purchasing the backhoe until the October 2022 Public Meeting. Supervisor Porter seconded the motion; the motion carried.

Supervisor Hoy questioned if the Township had received any response in regard to the Multimodal and Arlee Grants the Township had applied for? Supervisor Hoy went on to say the State of Pennsylvania was starting to release funds. Chairman McCoy stated, no he hadn't heard anything. Both grants the Township applied for are still pending review.

Chairman McCoy stated Meeting Minutes was added to last month's agenda and tabled until this month because the Solicitor wasn't in attendance at last month's meeting and he had a couple of things highlighted, he would like to have legal clarification on from the Township Solicitor.

In the February 2022 Meeting Minutes, a motion was made by Supervisor Hoy that stated, "prior to contacting the Township Solicitor, the Chairman must have approval of the other supervisors and the secretary can contact the solicitor regarding "Right to Know" requests only as they are time sensitive. Supervisor Porter seconded the motion, motion was carried." He went on to say, it was his understanding in reading this motion, he was the only Supervisor who could contact the solicitor, but only with the approval of one of the other supervisors. He then asked the Solicitor if that was his understanding as well? Township Solicitor, Justin, questioned, what is the intention of the board? He went on to state there is a lack of clarity in the motion that was approved. As it was approved, it states that only Bill McCoy and township employees can contact the solicitor. Chairman McCoy questioned if it should be included in the policy and procedure manual? The Township Solicitor stated, no the policy and procedure manual pertained to employees. Supervisor Hoy stated we will need to add this to the agenda for next month's meeting. Township Secretary, stated it could be added to the agenda and amended tonight. The Township Solicitor agreed and stated, the Board will need to state the reason why and vote to add it to the agenda. Chairman McCoy made the motion to revisit the motion that was made at the February of 2022 Public Meeting regarding contacting the Township Solicitor to clarify due to problems implementing previous motion. Supervisor Porter seconded the motion; the motion unanimously carried.

After a discussion, a motion was made by Supervisor Porter to amend the February 2022 motion. Any Supervisor may contact the Township Solicitor with the approval of the majority of the Board of Supervisors. Township Solicitor, Justin questioned the Board of Supervisors is the Township Right to Know Officer should contact him regarding all Right to Knows? Supervisor Hoy stated, she should contact the solicitor for all Right to Knows the Township received.

Supervisor Hoy made the motion stating all three Supervisors may contact the Solicitor with the approval of the majority of the Board of Supervisors and the Right to Know Officer is to contact the Solicitor regarding all Right to Know requests received. Michele Whitney stated, members of the Board were elected officials. She questioned why any one of the Board should be held back by the other members of the Board. Supervisor Hoy stated, to keep cost down. Michele went on to question, what if two members of the Board are bullish toward the third member? Supervisor Porter stated, that is just a hypothetical situation and not the current situation with the Board of Supervisors.

Chairman McCoy stated he had spoken with the Right to Know / Sunshine people in Harrisburg and Mary wasn't doing anything wrong. Per the Right to Know / Sunshine it is not necessary to have legal advice on every right to know request the Township receives. He went on to say it was not cost effective to have the Right to Know Officer contact the Solicitor for every request. Addressing Jody Ritter, he stated, some of the legal cost you questioned earlier was regarding Right to Know. Jody then asked the Right to Know Officer, Mary, if the Right to Know requests she received were simple and repetitive in nature? Mary responded stating yes, many were able to be completed the same day. However, the more complex ones were forwarded to the Solicitor for legal advice and guidance. Chairman McCoy stated he submits a Right to Know Request every month for the meeting recording, as he was directed by the Right to Know people, because the Township only keeps the meeting recording until the next month or until the meeting minutes are approved. Jody asked the Board to not require the Right to Know Officer to forward all requests to the solicitor as it is not cost effective. Loretta questioned if there are there any ramifications to not having the Solicitor review all of the Right to Know requests received? The Township solicitor stated, yes there could be fines and/or appeals. Peg Neff questioned, how much does a Right to Know request cost? Supervisor Hoy stated it depends on what the request was for. Chairman McCoy stated it could cost nothing to a great deal of money. He went on to say, he has received a real education after speaking with the people in Harrisburg regarding Right to Know Laws and there are many other things the Township can get in trouble for under the law beside the Right to Know requests the Township receives. Right to Know Officer, Mary, stated if she has any questions regarding any of the Right to Know requests she receives, she always reaches out to the Solicitor for guidance or she contacts the people in Harrisburg. The Sunshine/ Right to Know Law doesn't cover just right to know requests, but it also covers agendas, open meeting policy, and meeting minutes. It is continuously changing. She advised the Board and the residents in attendance, she recently completed one training and was scheduled to attend two more in the month of October.

Supervisor Porter stated, all email correspondences with the Solicitor should be between all three Supervisors so they are all aware of the conversation. Chairman McCoy stated the Township should be included on the email exchange, so there is a public record. He went on to say, this isn't what is currently being done. All three Supervisors agreed, all correspondences and emails with the Solicitor, should also include the Township's email. This way everyone is informed and aware of what is going on.

Supervisor Porter made a motion to clarify and amend the motion approved at the February 2022 Public Meeting regarding contacting the Township Solicitor to the following: All three Supervisors can contact the Township Solicitor with approval of the majority. All three Supervisors are responsible for informing the other two what it is about. If the Right to Know Officer needs legal guidance or assistance with a Right to Know request, she may contact the Township Solicitor without Supervisor Approval. Chairman McCoy seconded the motion; unanimously motion carried.

Chairman McCoy stated the security camera was addressed in April 2022 when it was decided the installed cameras at the Township Buildings were for security only, not surveillance. Employee reporting, cell phone policy, payroll, and chain of command will be clarified in the new policy and procedure manual the Board is currently work on. Chairman McCoy questioned if the Board received the updated policy and procedure manual resolutions the Township Solicitor had sent out via email? Both advised they had received them, but didn't print them out due to the length of the documents. Chairman McCoy stated he had reviewed the documents and discussed several items with the Solicitor. He suggested scheduling a Work Session to review and discuss the new and amended employee policies the solicitor provided. Supervisor Hoy made a motion to schedule a public Work Session, Wednesday, September 21 at 7:00 PM. Supervisor Porter seconded the motion; the motion unanimously carried.

New Business

Chairman McCoy stated in a conversation with the Solicitor, it was suggested that employees start signing their timecards. He went on to say, he signs the timecards when they are approved, but hasn't required the employees to sign their cards since earlier in the year when the Township Secretary was instructed to email the timecards to members of the Board of Supervisors for review. This procedure of signing timecards was discontinued because several employees raised concerns regarding their signature on the documents being sent out via the internet. Chairman McCoy asked the Board if it would be ok to send the timecards for review with the signature redacted out? Neither Supervisor Porter nor Supervisor Hoy had an issue with this. Chairman McCoy, upon the recommendation of the Township Solicitor, stated he would implement this change going forward.

Township Solicitor, Justin, presented a draft ordinance for Act 57 and provided a brief overview of what the law and proposed ordinance states. In a brief summary, "Act 57 amends the Act of May 25, 1945, known as the Local Tax Collection Law, to require taxing districts, within ninety (90) days of its effective date, to enact a resolution or adopt an ordinance requiring a tax collector to waive additional charges for real estate taxes beginning in the first tax year after its effective date, provided that the taxpayer does certain actions." The Board of Supervisors gave the Solicitor the authorization to advertise Act 57, as is required by law, with the intention of adopting the Ordinance at the November 2, 2022 Regular Scheduled Meeting.

Solicitor Justin Houser presented Resolution 2022-07 for the Board of Supervisors for review and discussion. The resolution states: "At its September 14, 2022, Regular Meeting, the Gallagher Township Board of Supervisors, upon a Motion duly made and second, RESOLVED as follows: 1. Township Resolution No. 2021-08, as amended by Township Resolution No. 2022-05, is hereby VACATED. 2. The Township Secretary is hereby authorized to pay all normal bi-weekly payroll, monthly supervisor meeting compensation, and monthly bills/invoices incurred in the ordinary course of business (i.e., as contemplated by the approved Township Budget) as received. 3. Checks shall require the signatures of two Township Supervisors and the Township Treasurer. 4. The Township Secretary shall present an itemized record of all payments made pursuant to section 2 hereof to the Board of Supervisors at their next regular meeting for review and consideration for approval by them. 5. Any extraordinary (i.e., non-budgeted expenses or expenses outside the ordinary course of business) shall be presented to the Board of Supervisors at their next regular meeting or, if deemed necessary by the Board, at a specially called meeting, for consideration and approval before any payment is made." After a brief discussion, Chairman McCoy made the motion to adopt resolution 2022-07. Supervisor Porter seconded the motion; the motion unanimously carried.

Chairman McCoy stated he had received several phone calls questioning whether the Township would be holding a Trunk or Treat again this year? He stated Lost Acres was holding their Halloween event on October 1st from 2 to 4 and suggested if the Township were planning to hold the event, they might consider having it the same day. Supervisor Hoy stated it might benefit to move the Trunk or Treat to the Haneyville Volunteer Fire Company due to its proximity to Lost Acres. After a brief discussion in which Supervisor Porter stated he would purchase hotdogs for the event, Supervisor Hoy made a motion for the Township to hold its annual Trunk or Treat on October 1st from 6 to 8 PM at either the Haneyville Volunteer Fire Company or at the Gallagher Township Building. The location will be determined pending input from members of the fire company. All three Supervisors agreed to move forward with the Trunk of Treat with location to be announced after a conversation with the members of the Haneyville Volunteer Fire Company.

Supervisor Hoy made the motion to adjourn the meeting at 8:42 PM. Supervisor Porter seconded the motion; the motion was unanimously carried.

It was announced an Executive Session would be held immediately following the Regular Meeting to discuss personnel matters, get legal advice, and discuss legal matters that could potentially affect the township. In attendance; Chairman McCoy, Supervisor Porter, Supervisor Hoy and Township Solicitor, Justin Houser.

Gallagher Township Supervisor Chairman
William McCoy

Gallagher Township
Secretary / Treasurer
Mary J. Myers
