

Gallagher Township
Supervisors Meeting Minutes
March 1, 2023 ~ 7:00PM

The March 2023 regularly scheduled public meeting of the Gallagher Township Supervisors was called to order by Chairman Bill McCoy at 7:01 PM followed by a moment of silence and the Pledge of Allegiance.

In Attendance were Supervisors: Bill McCoy, Brian Hoy and Will Mann; Township Solicitor: Justin Houser via phone; Fill-in Township Secretary: Jody Ritter; Township Residents: Earl Straley, Jr., Timothy Lester, Michelle Merryman, Harvey Palmatary, Brent Bowmaster, Kenny Porter, Aleasha Bowmaster, Bobby Bowmaster; and visitors: Kyle Coleman, Supervisor from Woodward Township; Vendors: Beth and Nelson Riccardo from Gearhart Herr Company; and Candidate for Clinton County Commissioner: Douglas Byerly.

A Consent Agenda was presented to the Board. It included the following regular monthly action items: **Meeting Minutes** for the February 1, 2023; the **February 2023 Treasurer's Report** from February 1, 2023 up to and including February 28, 2023- the report included all Liabilities, Invoices, and Deposits; and the **February 2023 Correspondences**. Supervisor Mann made a motion to approve the Consent agenda as presented. Supervisor Hoy seconded the motion; the motion unanimously carried.

Zoning and Land Use Permit Report

Nothing to review or go over at this time.

Road Master Report

Supervisor Hoy stated there really isn't a lot going on at the moment with the exception of checking the roads and snow removal. The weather been all over the place. The employees were out and started to sweep the roads; however, it was too dusty and then too wet after we received both rain and snow. Because of this, they were unable to finish sweeping the roads. He went on to say both he and Supervisor Mann had cleaned up a tree at the end of Will's driveway. There is snow in the forecast for later in this week but the forecast is all over the place. He will work with the employees to provide coverage for snow removal should it be necessary. The guys have been working their 12 to 16 hours per week, plus extra hours as needed for snow removal.

SEO Report

Chairman McCoy stated he had received a request for information pertaining to a property back on Queen's Run Road on Monday; which he had forwarded to the SEO and Clinton County for follow-up on. Nothing from Zoning. He went on to say he had spoken with Steve Gibson who advised him he would keep the township abreast of anything going on withing the Township.

Public Comment

Chairman McCoy opened the floor to the public after noting several new faces. Doug Byerly introduced himself and said he was running for Clinton County Commissioner in the upcoming primary election. He stated he had announced and launched his campaign in December of 2022, and has been attending as many municipal meetings as he can before the primary. He went on to talk a little bit about himself, explain why he was running for Clinton County Commissioner and he also spoke about his platform and the issues that mattered to him.

Beth Riccardo with Gearhart, Herr, Company provided clarification regarding the Township's insurance policy and what coverages were afforded to the township under the policy. She stated, the Township's insurance policy is assigned a class code and the policy is rated based upon the number of miles of roads owned by the Township. It was her understanding that a question came up regarding snow removal on property owned by someone other than the Township. She stated, the business class code on the Township's insurance policy allows the Township to plow any non-township related property it chooses to and insurance coverage will be provided. She clarified by saying it is up to the Board of Supervisors and what their township constituents want them to do. If all three Supervisors agree or if two of the three members of the Board are ok with assuming the increased risk and exposure, insurance coverage will be provided. Beth then opened the floor for questions from the Board. The Members of the Board stated it coverage was pretty clear. If they plow; they are covered. If they don't plow; they are covered. Either way, liability coverage is provided.

Supervisor Hoy questioned the Board if they wanted to jump down to the action item on the agenda regarding plowing the church parking lots. The Board agreed to discuss it while Beth was in attendance and moved the item up on the agenda. Chairman McCoy questioned Solicitor Houser if it was ok with him to move the item up from Old Business and discuss it at this time- to which he replies sure.

Solicitor Justin Houser thanked Beth for attending the meeting and clarifying the Township's insurance coverage pertaining to this matter. He went on to say he was asked to look into plowing the church parking lots from the legalities point of view. In an earlier email he sent to the Board and also the Township Secretary, he explained there's no hard and fast rule regarding this matter- there are some risks and concerns. If the Board chooses to plow areas not owned by the Township, that is a decision to be made by the Supervisors. If the Board limits parking lot plowing to just the churches, is there any issues with that? The Township cannot be seen favoring religion at the expense of anyone else. To protect against future law suits, the

Township might want to consider offering that type of assistance to any non-profit entity located within Gallagher Township. This allows the Township to offer the service fairly. An ordinance would need to be adopted which would set parameters for non-profit organization to apply for this service including an application process, verification of non-profit status, and a liability waiver.

Supervisor Mann stated, at this time, the Board isn't aware of how many non-profit businesses are located within the Township. In his business he is aware of many large hunting camps that have established themselves as non-profits and the Township could end up plowing a great deal more than just the churches if others found out about this service. He went on to say, he would be interested in helping the churches set-up some fund raiser to help off-set some of the cost incurred for snow removal thus absolving the Township of the liability. He then questioned Township Solicitor Justin Houser if the Township could allow the churches to use the property to hold a fundraiser? To which the solicitor responded yes, as long as others were allowed to also use the Township offices and property for the same purpose. Supervisor Mann stated he would be much more comfortable writing an ordinance stating all non-profits could utilize the township building for fundraising. Supervisor Hoy stated he didn't think the Township would need to adopt an ordinance; the Board could just allow them use the premises. He went on to say, they could partner with the fire company to do a bar-b-que or something. His concern, as always, is the liability of it. Supervisor Hoy deferred to Supervisor Kyle Coleman from neighboring Woodward Township, who stated they have wanted to help people out in the past and they have received push back from residents who questioned why you can do it for them, but you can't do it for me. Supervisor Hoy stated, it's like opening Pandora's Box. After a lengthy discussion between members of the Board and members of the public in attendance, it was agreed the motion made to not plow the church parking lots which was approved in 2022, stands. No additional action needed.

Jody Ritter stated she was speaking on behalf of the president of the Haneyville Volunteer Fire Company. The fire company purchased a Koiti 2400 UTV which is currently in production. It will be used to fight forest fires, search and rescue in areas not accessible by truck, and evacuation. The cost of the unit is just under \$32,000 complete. On behalf of the fire company, she asked if the Township would make a donation to help offset the cost of the UTV? She provided a photo of the unit for the Supervisors to view. A discussion was held between the public and member of the public regarding the UTV. Supervisor Hoy questioned Chairman McCoy what the Township's financial situation was and which fund the money would come out of if a donation was made? Chairman McCoy stated he was going to abstain from any decision regarding the donation because he was Fire Chief at Haneyville Volunteer Fire Company. However, he did respond to Supervisor Hoy to say ACT 13 Funds were to be utilized for public service which covers fire and police services. He stated the ACT 13 capital reserve fund currently has \$140,510.68 and the ACT 13 checking currently has \$2450.29. Chairman McCoy stated the fire company really hasn't asked for any of the ACT 13 funds and has only ever submitted a letter to request a donation to purchase air packs in the amount of \$40,000. Supervisor Hoy made the motion to donate \$10,000 to the Haneyville Volunteer Fire Company towards the purchase of the Koiti 2400 UTV utilizing ACT 13 Funds. Supervisor Mann seconded the motion; the motion carried with Chairman McCoy abstaining.

Jody Ritter stated the ATV trail will be starting up Memorial Day and running through the end of September. It will be coming up Route 44 from Zinc Fork going to Mountain Top and then back down again.

Timothy Lester questioned if there was any word on the grants the Township had applied for? Chairman McCoy stated the Township hadn't heard anything on the Multi Modal grant yet. He went on to say, the state hasn't opened the 2023 grant applications yet. Most of them would open for review and application in June of 2023 and others would be in April or May and still others would come out in the fall. All of these grants would be for the following year- 2024 and 2025.

The Board of Supervisors adjourned into an executive session with Solicitor Justin Houser via telephone at 7:38 PM.

The Board returned from their executive session and the meeting was called back to order at 8:28 PM. Solicitor Houser announced the purpose of the executive session was to discuss personal matters, discuss matters that involve legal privilege, and to receive legal advice from the Township's Solicitor.

Supervisor Mann made a motion to discipline certain employees of the Township. Supervisor Hoy seconded the motion; the motion unanimously carried. Chairman McCoy questioned Solicitor Justin Houser if the Board needed to set the date and time the disciplinary action would take place? Solicitor Houser responded, no that was not necessary.

Old Business

No discussion by the Board publicly pertaining to any issues or concerns presented by Supervisor Mann with regard to the 2023 Organizational Meeting.

Ordinance for plowing non-profit organizations parking lots was discussed and acted upon earlier in the meeting.

Chairman McCoy stated he had done a little research regarding the Emergency Management Coordinator (EMC) position within the Township. An ECM is required and every municipality must have one. Brent Bowmaster, Gallagher Township ECM, has completed all of his paperwork and it has been submitted to Clinton County. Chairman McCoy went on to say, he had reviewed the Township's minutes from 2022 and found they Board of Supervisors had approved training for all employees, but it didn't state if the Township was going to pay their hours. Supervisor Hoy stated, Pine

Creek and Dunstable Townships, do not pay their EMCs. Castanea Township pays their EMC \$200.00 per year to retain his certification. Chris Scaff, from Loganton who is either a supervisor or a borough council member is paid to go to the training and also by the hour. Every Municipality does it different. Most of the training is done online or the county provides it. He went on to say, he was ok giving the township's EMC a stipend annually and questioned if that was ok with Brent and the Board? Supervisor Hoy made a motion to pay the EMC for Gallagher Township a stipend of \$250.00 per year, mileage if travel out of Clinton County is required to attend training, and any training required that isn't free, be paid for with the approval of the Board of Supervisors at a public meeting. If the required training isn't completed, the EMC would need to reimburse the Township. Supervisor Mann seconded the motion; the motion unanimously carried. Supervisor Hoy questioned when the Township should pay the \$250.00 stipend to the ECM? Chairman McCoy said he would recommend the end of the year in December. All three Board Members agreed to add the \$250.00 stipend payment for the EMC to the annual November agenda as an action item to be approved for payment in December for the current year.

Chairman McCoy stated Solicitor Houser had researched the appointed position as requested and Becky Barner, Gallagher Township Tax Collector, volunteered to accept the position. He questioned Solicitor Houser if this could be done? Solicitor Houser stated he had spoken with Kristy Serafini-Brooks who explained the committee meet occasionally to review how the money is being distributed to the municipalities within the school district. There isn't any formal training, knowledge or education required to be appointed to the committee, the only thing the person would need to be able to do is convey information back to the Township and convey information from the Township back to the committee. Chairman McCoy made a motion to appoint Becky Barner to represent Gallagher Township on the Clinton County Tax Collection Committee. Supervisor Hoy seconded the motion; the motion unanimously carried. Solicitor Houser requested the Township Secretary, Mary Myers, contact Keystone Central School District to provide the name of Gallagher Township's representative and her contact information, so they are able to communicate with her regarding the committee's meetings.

Chairman McCoy stated the Board really needs to work on establishing the new policy and procedure manual including the chain of command. He questioned the Board as to when they would like to get together to work on it? After a brief discussion, the Board scheduled a work session for Tuesday, March 7, 2023 at 6:00 PM, weather permitting. The work session will specifically be to work the new policy and procedure manual, so it can be provided to Solicitor Houser for legal review.

New Business

Supervisor Hoy stated he noticed Chairman McCoy has been logging time and he requested Chairman McCoy indicated what he was doing on his time card from now on. He went on to say, Chairman McCoy used to note what he was working on while clocked in, but stopped. Chairman McCoy, stated he would start noting his time cards again going forward. Supervisor Hoy questioned Chairman McCoy if he was working in the capacity of the new job description classification, Working Supervisor? To which Chairman McCoy stated yes. He went on to list his activities.

Supervisor Mann stated he would like to get an idea of the grants Chairman McCoy has applied for on behalf of the Township in the past and currently. He went on to say, he was interested in assisting in the grant application process going forward. Supervisor Hoy question if we needed Cindy Love with Clinton County to assist in writing our grant applications? He questioned Supervisor Coleman, who was in attendance from Woodward Township, if Cindy had assisted them in getting their grant? Supervisor Coleman stated she had assisted the with one, but the one they received she didn't. Supervisor Coleman then questioned Chairman McCoy if he received recommendations and letters from the governmental representatives to add to his grant applications? To which Chairman McCoy stated yes. The letters submitted along with the grant application included letters from Clinton County Planning Commission, Representative Stephanie Borowitz, Senator Chris Dust, Darren Stover with PENDOT, and Clinton County Conservation District. Supervisor Hoy stated the Board should all be involved in the grant application process. Each of them might offer a different perspective.

Supervisor Hoy questioned if the Board of Supervisors want to set a date and time for the annual Road Inspection at this time? He also questioned Chairman McCoy when the Road Inspection needed to be completed by? Chairman McCoy stated there wasn't a set time to complete a Road Inspection and that it could be completed at any time the three Board Member's wanted to get together. Board Members agreed to set the 2023 Road Inspection for March 24, 2023 at 8:00 AM.

Chairman McCoy stated the reason the Township purchased the cell phones was to eliminate the use of personal emails and devices for Township business and for security measures. Solicitor Houser agreed all Township business would go through the Township's phones and emails. Supervisor Hoy stated he wanted his password because he doesn't know who has the password to his Township email address and someone could sign into his email address from the Township Building and send emails out on his behalf that he is not privy to. Township Solicitor stated the person should have the password to the email account. Supervisor Hoy went on to say that he cannot open anything on his cell phone. You have to subscribe to word and other programs in order to open documents like the agenda and time cards on your phone. Solicitor Houser stated if it's Gmail, you can open it anyplace. Supervisor Hoy stated it was his own personal email and no one should have access to it. Solicitor Houser stated, he agreed with it to a point. However if for some reason the township should need to access the email, there should be a way for the Township to access it. Supervisor Hoy stated, the Township could access to his email anytime if they ask to access it. Solicitor Houser went on to clarify. First, Supervisor Hoy should have access to his password. Secondly, the person handling the IT for the Township should also have a way to access the Township email. The Township shouldn't have to ask to access it. Supervisor Hoy opened his email to show the other Members of the Board he was unable to

access his documents. Supervisor Mann, assisted Supervisor Hoy in accessing the documents in his email. Supervisor Hoy requested that Mary send both his and Will's passwords to their Gmail email accounts so they were able to log in and change their passwords. Solicitor Houser stated, if the Supervisors were doing Township Business, they should use the email accounts that were set-up on their phones. The Supervisors and the Township should have the password to the Township email account. He went on to say the Township's Gmail password could also be given to him.

Supervisor Hoy stated he requested correspondences and communications be added to the agenda because not everyone is traveling in the same loop. He went on to say that everything that comes in and goes out of the building with the exception of bills should be forwarded to all three supervisors. The Township Secretary can scan and email them to all of the Supervisors. Supervisor Hoy made a motion anything that comes in and goes out of the Township with the exception of bills should be scanned and sent to all of the Supervisors as they are received. Chairman McCoy questioned Supervisor Coleman from Woodward Township if their Township Supervisors come to the building to check and see what's going on? He responded and said he received a call log every day with general stuff listed. A discussion between members of the public and the Board of Supervisors ensued. Supervisor Mann seconded the motion; the motion carried.

Chairman McCoy stated it was time for the annual tire collection in partnership with the Wayne Township Landfill. Supervisor Hoy found it interesting that it was on the agenda because it was just approved it at the Wayne Township Landfill Board of Directors meeting. Supervisor Mann questioned if the Township collected tires? Chairman McCoy stated yes and last year over 90 tires were collected. He went on to say this year's collection dates at the landfill are May 12 and 13. After a brief discussion, Chairman McCoy made the motion to set the dates for this year's tire collection as Wednesday, May 10 from 4:00 PM to 7:00 PM and Friday, May 12, 8:00 AM to 12-noon, after which the Township will take the tires to the landfill. Supervisor Mann, seconded the motion; the motion unanimously carried.

Chairman McCoy stated following up on an email the Township received from Matthew Croak with the Clinton County planning Commission in partnership with DES, there weren't any structures in Gallagher Township that could be used for a structural live burn. He went on to say DEP would need to be involved. Supervisor Hoy stated the county was going to take care of that if there was a qualifying structure.

Chairman McCoy stated the 2022 forensic audit was completed on Friday, March 24, 2023 by Fiore, Fedeli, Snyder, Carothers LLP. There were no issues found.

The 2023 Liquid Fuels payment was issued today, March 1, 2023 in the amount of \$41,814.21. Supervisor Hoy questioned is this was the same as the County ACT 13 was on the agenda? Chairman McCoy said, no they were two different things.

Supervisor Hoy questioned what the Boom Mower was on the agenda and if it was new? Chairman McCoy stated when he was talking to Rachel from Clinton County Conservation District, she said there wasn't a lot of Daylighting that needed done on Queens Run Road. He understood what she was saying when he went out to look at the property on Long Beard Lane. Most of the vegetation is along the edges of the road and very little goes clear to the top. He went on to say, DEP and Clinton County Soil Conservation will not let us clear out the road like some other places do due to the water. They want to keep the water cool for the aquatic life. Rachel had mentioned using a boom mower to clean up the edges of the road. Chairman McCoy stated he called Hoover Tractor to see if they had a boom mower in stock and also to ask what the price was. Chairman McCoy presented the quote he received to the Members of the Board for review. The quote received was for a Hardee, LR40142 with a 14-foot reach for \$18,099. Supervisor Hoy questioned the Township's tractor tire had a counter weight? Chairman McCoy explained the counter weight was located on the mower. Supervisor Hoy then asked if the Township would sell the other mower? To which Chairman McCoy stated said, no. Supervisor Coleman, visiting from Woodward Township, stated they were selling theirs because they had purchased a new one. The boom mower they are selling is one they have had for about ten years. It is on a 3-point hitch. Chairman McCoy asked the Board if they would like to table moving forward with the purchase of a new boom mower? It was agreed the Members of the Board would set something up with Woodward Township to view the mower they are selling and to ask Woodward Township put together a price for a township-to-township purchase. All of the members agreed to move forward with this option.

Chairman McCoy stated the township received a letter from Clinton County in regard to disbursement of the county's ACT 13 funds. Clinton County adopted an ordinance and annually asks townships and municipalities within the county apply for grants to complete projects within their jurisdictions. Chairman McCoy stated Gallagher Township had applied in the past, but had only received \$600.00. Supervisor Hoy questioned if the Township might want to apply for some funds to do some daylighting? To which Chairman McCoy said if the Township purchases a boom mower, there won't be a need for daylighting. The vegetation along the Township roads only needs trimmed back from the banks of the roads. It was consensus of the Board of Supervisors to not apply for any of the Clinton County ACT 13 funds.

With no additional business to discuss, Supervisor Hoy made the motion to adjourn the meeting at 9:21 PM. Chairman McCoy seconded the motion; the motion was unanimously carried.

Gallagher Township Supervisor Chairman
William McCoy

Gallagher Township
Secretary / Treasurer
Mary J. Myers
