

**Gallagher Township Board of Supervisor's
Regularly Scheduled Meeting Minutes
November 1, 2023 ~ 7:00PM**

The November 2023 Public Meeting of the Gallagher Township Board of Supervisors was called to order by Chairman Bill McCoy at 6:59 PM; followed by a moment of silence; and the Pledge of Allegiance.

In Attendance were Supervisors: Chairman, Bill McCoy; Vice Chairman, Brian Hoy and Supervisor, Will Mann; Township Solicitor, Justin Houser; Township Secretary, Mary Myers; and Township Residents and guest, Jody Ritter, Timothy Lester, Warren and Jacque Gottshall, Loretta Coltrane, Earl Straley, Kenny Porter, Steve Krouse, Victor Hibbler, Rusty Weaver and Martin Salinas.

Chairman McCoy questioned if the Board of Supervisors wanted to hold the executive session at this time or later in the meeting. After a brief discussion, the Board of Supervisors agreed to hold the posted executive session at this time. The stated reason for the executive session was to discuss personnel issues and get legal advice from the Township solicitor. Attending the executive session were the three Members of the Board of Supervisors and the Township Solicitor, Justin Houser.

The Board of Supervisors and Township Solicitor, Justin Houser, returned from the executive session and the meeting was called back to order at 7:33 PM. Township Solicitor, Justin Houser, stated the reason for the meeting was to consult with the solicitor regarding personnel and employee matters as well as to discuss items that if discussed publicly, would violate attorney client privilege and also to seek legal counsel from the Township's Solicitor.

When asked by Chairman McCoy, if anyone would be recording the meeting, Vice Chairman and Roadmaster Brian Hoy stated he would be recording the meeting.

A Consent Agenda was presented to the Board of Supervisors for approval. It included the following regular monthly action items: **Meeting Minutes** for the October 4, 2023 Public Meeting; the **November 2023 Treasurer's Report** for the Township's finances, October 1, 2023 up to and including October 31, 2023 - the presented report included all Payroll, Liabilities, Invoices paid for all accounts, and Deposits made into all accounts; and the **October 2023 Correspondences**.

Chairman McCoy asked that the Solicitor's bill be pulled out and discussed separately. He questioned a line item on the invoice in which the Township was billed for a meeting on 09/07/2023 regarding "Township issues" and asked with whom the meeting was with. Solicitor, Justin Houser stated, offhand he wasn't sure and directed the Board to strike that line item, in the amount of \$100.00 from the invoice because he should have been more specific with his documentation. Supervisor Mann made the motion to accept the Consent Agenda as presented with the noted correction. Vice Chairman Brian Hoy seconded the motion; the motion unanimously carried in a roll call vote.

Roadmaster Report

Vice Chairman and Roadmaster, Brian Hoy, provided the Roadmaster's Report for the month of October 2023 which included the following:

1. Hollow Road level coating and berm work completed.
 - a. The Township borrowed a grader with a berm box on it and a six-ton truck from Dunstable Township. Having this equipment made the job much easier.
2. Patriot Tree Services LLC should be finished with the Queens Run Road vegetation removal project by the end of the week- Friday, November 3, 2023. They would have been finished before now, but the rain has impeded their progress.
 - a. When the project is finished, the Board of Supervisors will drive Queens Run to inspect the project and sign off for the payment to be released.
3. The gas pump was fixed. Previously, it wasn't working. He stated he had spoken with Fill Rite, who advised him to take the pump apart and clean the internal parts. Doing this corrected the problem.
4. Will start working removing leaves from the ditches in the next week or so.
5. Will work to get the Township's equipment ready for the winter season.

SEO Report

Kellen Krape, SEO activities on behalf of Gallagher Township for the month of October 2023 are as follows:

1. Mark Myers – approve new lot to be submitted to DEP and Clinton County for Mark Myers Subdivision located at 260 Coyote Ridge Road, Lock Haven, PA 17745
 - a. Perc testing, permit, review issuance, and inspections.
2. Final Applications received and filed – funds released to Kellen Krape, SEO for Gallagher Township
 - a. Christian Haffley – Application, deep probe, perc, design review, permit issuance, pre-conference, interim inspection, mileage and final inspection.
 - b. Shannon Walker – Verification of prior perc testing
 - c. John McHenry – Application and deep probe perc
 - d. John Jones - Investigation, permit issuance, final inspection and mileage
 - e. Robert Miles – Investigation into issues and corrective action, permit issuance and final inspection

Zoning & Land Use Permits Report

Zoning Permits issued by Clinton County on behalf of Gallagher Township in the month of October 2023 are the following:

1. 10/27/2023: A zoning permit was issued to 494 Hollow Road, Gallagher Township for a 12'x26' addition to an existing home, and a deck replacement. Permit #5023
2. 10/27/2023: A zoning permit was issued to 241 Laurel Ridge Road, Gallagher Township for a 42'x48' storage barn, with a carport attachment. Permit #5024

Public Comment

1. Martin Salinas suggested the Township install a light on the recycle bins because you cannot see at night. He also stated he had a concern regarding the ATV/UTVs using SR 44 and Coudersport Pike. He stated, it's dangerous! Additionally, the trail is dusty! The Board of Supervisors deferred comment to Jody Ritter, who is a member of the board of CMATVA, to speak to his concerns. Victor and Jody will speak after the meeting.
2. Jody Ritter addressed concerns she had regarding elected auditors. She also questioned what would happen if she were the only auditor because Peg stated at a public meeting she resigned and Kathy wasn't on the ballot and her term expired this year. The Board of Supervisors stated they would address the situation, if needed, after the election.
3. Timothy Lester questioned the bid for the project to level coat Hollow Road. Vice Chairman Hoy clarified; it wasn't a bid. A bid isn't required when intermunicipal work is completed. He also questioned the stated dollar amount saved at the October 2023 public meeting for the work contracted out this year vs. employees completing the work like the Township has done in years past. The list of outsourced work was reviewed, all of which the township employees wouldn't have been able to complete, only assist.
 - a) Sweeping the Township Roads vs vacuuming the roads this year.
 - b) Hired Benson Probst to open the drainage pipes under the road.
 - c) Daylighting Queens Run Road
 - d) Scratch coating Hollow Road.
 - e) Employees completed the shoulder work using Dunstable Township's Grader and Truck.
4. Jody Ritter stated a resident came to her and had read in the minutes; the Township was no longer going to plow the church parking lots. The same person and another person questioned if the Township was going to plow the Haneyville Vol. Fire Company. The Board of Supervisors reiterated, yes, they were required by law to provide fire protection for the residents of the Township. Plowing the parking lot for Haneyville Vol. Fire Company is considered part of providing fire protection services to the residents.
5. Victor Hibbler stated there had been some changes at the intersection of SR44 and Coudersport Pike near Mountain Top. The intersection has been reworked, the lines have been extended, and people are running through the stop signs which is causing a safety issue. He questioned if the Township could be involved in enacting an ordinance to change the speed limit to 35 mph. The Board of Supervisors stated they were unable to enact an ordinance because the roads in question were both State roads. They went on to explain the Township had received a request from EQT to have another stop sign installed at the intersection making it a three way stop; however, PennDOT completed a traffic safety study over the summer and concluded no changes needed to be made at the intersection. Victor went on to say he was going to attend his Township's meeting, McHenry Township in Lycoming County to ask that they consider doing the same thing he asked the Gallagher Township's Board of Supervisors to consider. The intersection at Mountain Top is a safety issue and something needs to be done. The Board of Supervisors stated they felt the same, but until PennDOT is willing to do something, their hands were tied.
6. Martin Salinas questioned the Township secretary if she was the one that put the meeting packet together for the meeting. She answered yes. He went on to say, it was one of the nicest packets he has received while attending a Township meeting; and he has been to a lot of Township meetings.
7. Kenny Porter said he received a very peculiar phone call from the office of the Pennsylvania State Ethics Commission; he wasn't sure if he wanted to return the call. He said he was probably obligated to return the call, but before he did, he wanted to know what was going on. Township Solicitor, Justin Houser, responded to his question stating he advised calling them back.

Old Business:

Daylighting Queens Run Road – Status / Update

Previously discussed under Roadmaster's report. Roadmaster and Supervisor Hoy said, as he previously stated, it should be completed next week.

Hollow Road – Sign MS-999 and Approve Payment /Stone Payment Account Change from State to ACT 13

Township Secretary, Mary Myers, presented the completed MS-999 for the Hollow Road project to be signed by the Roadmaster and the Board of Supervisors. The completed MS-999 stated they had inspected the project; were releasing the project to PennDOT for them to inspect and signed off on. Once this was completed, payment could be released to Pine Creek Township. She stated Daren Stover with PennDOT had been out, inspected and signed off on the project; which allowed her to release the funds. However, she still needed to submit a signed copy of the MS-999 to PennDOT. Roadmaster and Vice Chairman Brian Hoy, signed the MS-999 to be mailed to Daren Stover.

Township Secretary, Mary Myers, stated the Board of Supervisors had previously approved payment for the two loads of stones used for the shoulder work on the Hollow Road project using State funds. She said the Township had a credit with Leigh High Hanson from 2020 and she would like to apply the credit to this invoice to clear it. However, applying the 2020 credit to an invoice paid with State funds in 2023 would cause an issue with the State reporting. She

asked that the Board of Supervisors amend their previous motion and allow her to pay for the two loads of stones using the Act 13 account. Chairman McCoy made the motion to pay for the two loads of stones used for the Hollow Road shoulder project using Act 13 funds instead of State funds. Vice Chairman Hoy seconded the motion; the motion unanimously carried in a roll call vote. A completed ACT 13 check was presented to the Board for their signatures.

Diesel Tank Purchase Update & Installation Date

Vice Chairman Hoy stated Dittmar Fuel is looking to install the newly purchased 300-gallon double walled diesel tank and pump the beginning of next week, the week of November 13, 2023. He questioned if anyone would be available on Monday or Tuesday to be there with them. He said he needed to call them back to let them know availability as well as take a photo showing where to install the tank. When they are here, one of the concrete barriers may need to be moved out of the way in order for them to get into place the tank. He went on saying he would coordinate everything and let the other members of the Board know the arrangements, so they would be available to work.

Speed Limit Signs on Queens Run Road

Vice Chairman Hoy said he had received prices for stop signs from Bradco Supply and several other companies he made purchases from. Bradco Supply's price was \$47.00 per sign. The other companies were cheaper; however, when shipping was added to the cost, they were more expensive. After a brief discussion between the members of the Board of Supervisors, regarding how many signs were needed and where they needed to be installed on Queens Run Road, Vice Chairman Hoy made a motion to purchase 4- 25 MPH speed limit signs from Bradco Supply- the Township already has the posts on hand. Supervisor Mann seconded the motion; the motion unanimously carried in a roll call vote. The purchase is to be paid for using Act 13 Funds.

Gas Tank Vent Status

Vice Chairman Hoy stated he received the steel pipe from Kenny Porter and would be installing the vent pipe on the gas tank over the coming weekend.

Updated Policy & Procedure Manual – Discuss

A work session was scheduled to be held on Friday, November 10, 2023 at 8:00 AM to review and discuss the finalized draft copy of the Policy & Procedure Manual the Board of Supervisors received from the Township Solicitor.

Township Building Sign – Status Update

Vice Chairman Hoy stated he had completed the sign and both he and Supervisor Mann had installed it on the existing posts.

Queens Run Road Arrow Sign Brackets & Installation

Vice Chairman Hoy stated the whole Bradco Supply system is a mess. He also believes the Township's sales representative was left-go and no longer works for Bradco Supply. At this time, Bradco Supply is having trouble getting parts. The Township is still waiting to receive mower parts in addition to the brackets for the sign. The Township has the signs, just waiting to receive the brackets from Bradco Supply. Once received the sign will be installed.

Building Cleaning

Chairman McCoy stated Aleasha was not going to clean the Township Building. She will submit a letter of resignation at the December 2023 Public Meeting. Township Secretary, Mary Myers, questioned is the Board wanted her to advertise the position. After a brief discussion, Vice Chairman Hoy stated they could take care of cleaning the building because there wasn't much traffic anymore in an out of the building anymore.

Speed Limit Signs on Queens Run Road- Price and Approve Ordering

Vice Chairman and Roadmaster Hoy stated he had priced speed limit signs and Bradco had the best price. Vice Chairman Hoy made a motion to purchase four speed limit signs from Bradco using ACT 13 funds to pay for them. Supervisor Mann seconded the motion; the motion unanimously carried in a roll call vote.

2024 Budget

A work session was scheduled to be held on Friday, November 10, 2023 at 8:00 AM review and discuss the proposed 2024 Budget. Township secretary to advertise the Work Session in the Local Paper of Record on Wednesday, November 8, 2023 listing action items as Policy & Procedure Manual, 2024 Budget, and Trout Unlimited Grant.

New Business:

Added via motion after an Executive Session- Employee Discipline for Certain Employees

Vice Chairman Supervisor Hoy made the motion to add discipline certain employees to the agenda as an action item under New Business. The stated reason, the matter was discussed during the Executive Session. Supervisor Mann seconded the motion. The motion carried with Chairman McCoy voting no on the motion.

Employee Discipline

Vice Chairman Hoy made a motion to discipline certain employees. Supervisor Mann seconded the motion. The motion carried with Chairman McCoy voting no on the motion. Township Solicitor, Justin Houser, stated he would consult with the Board later on how it is to be done.

Forensic Audit

Supervisor Mann stated he is not calling for a forensic audit at this time. He went on to say there have been a lot of things that are concerning that have come up such as tractor the Township owns doesn't have any paperwork on file with the Township. He went on to say, he is not stating that anyone at the Township has done anything wrong or committed any embezzlement or fraud, but he would like to discuss things that are concerning and try to get some answers to questions he has that have either not been answered or the answers he has received has raised more questions.

Supervisor Mann then spoke to his experiences since being sworn in as a Township Supervisor; which he stated have been quite odd. He spoke to the following:

1. The definition of a Township Supervisor was read out loud from the *Pennsylvania State Supervisor's Handbook*.
 - a. an elected official, not an employee of the township.
 - b. Are not covered under workers compensation.
 - c. May not serve as a Township Manager
 - d. Supervisor Employees are appointed annually at the organization meeting and can be hired by the Township in the following capacities:
 - i. Roadmaster
 - ii. Secretary
 - iii. Assistant Secretary
 - iv. Treasurer
 - v. Assistant Secretary Treasurer
 - e. When Supervisors are hired as employees, their wages are set by the Elected Auditors at their annual organizational meeting. Written job descriptions are recommended, but not required.
 - f. Supervisors are prohibited from receiving compensation for attending a meeting or for performing their elected official duties.
2. The Ethics Act defines a conflict of interest as when *"a person uses the authority of their public office/employment or confidential information received through their public office/employment, which is used for the private pecuniary benefit of the public official/public employee himself, any member of his immediate family or a business with which he or his family is associated."*
3. When first appointed, he came into the office about a week later. He was given an employment application, was asked to complete it, and bring it back into the office.
 - a. Was told, as an appointed Supervisor, was an employee. This led to conversations later that things weren't being done right at that time.
4. There was a practice at that time to sign blank checks. Not that that is really that concerning, because the Township requires three signatures on all checks. In his opinion, not a great practice.
 - a. Explained to him this practice was in the past- other supervisors had approved of doing this.
 - b. Asked that it not be discontinued going forward.
5. A Township Work Session was held in which a new policy and procedure manual was discussed.
 - a. Reviewed section regarding job descriptions. A job description for Working Supervisor was included.
 - i. Questioned Mr. McCoy where it came from, stated PSATS.
 - ii. Called with PSATS, not one of their suggested job descriptions.
 1. PSATS Stated not one of their suggested job descriptions
 2. PSATS also stated he was not an employee of the Township or collecting pay.
 - b. We spoke with the Township Solicitor to create a path forward. The Supervisors weren't really employees, and really shouldn't be getting paid for the work they did.
 - i. Plowing
 - c. Not sure where the Working Supervisor job description came from. Questioned Township Secretary where it came from.
 1. Township Secretary stated the job description was created pulling items from other PSATS job descriptions. She stated she wasn't sure why this was a topic of conversation as it was irrelevant because the Board of supervisors did not move forward with it.
 2. Told it was illegal.
 - d. Mistakes made. Will stated both he and Bill were paid as Working Supervisors.
 - i. Township Secretary stated that was the job title the township has always used. Set up in QuickBooks that way.
 1. It has since been corrected.
 - e. Bill wasn't appointed to a position at the Organizational meeting and neither was he when he was appointed. Questioned how to move forward to prevent from happening again and why did it happen in the first place. Supervisor Mann stated the Township secretary responsible for the error because she writes the paychecks.
 - i. Township secretary stated there have always been working supervisors in the past and all three Supervisors have been road masters in the past. The Board of Supervisors at the organizational meeting appointed Vice Chairman Hoy as Roadmaster and set Working Supervisors wages, plural.
 - ii. Township secretary stated the Working Supervisor job classification was set-up prior to her starting.
 - f. Should a forensic audit be completed because this has been done wrong in the past.

Chairman McCoy asked Township Solicitor, Justin Houser, to discontinue the conversation. He went on to state he has legal representation, should anything be brought up, he is to ask that the conversation be stopped immediately. Township Secretary, Mary Myers, said this isn't a conversation that should be being had. Chairman McCoy said, allegations, have been made against him. Supervisor Mann continued saying he wasn't making allegation. The Township made mistakes; how do we prevent them from happening again. Township Secretary, Mary Myers, continued saying, at this time, the mistakes are implied. It hasn't been decided if they are mistakes yet.

Township Solicitor Justin Houser stated, he has been coming to the township meetings for months. There are some vary serious issues here. He has been doing his best to keep the Township out of trouble. He went on to say, the opinion expressed by Supervisor Mann does not represent the position of the Township. However, moving forward, if there are issues- not saying there is, figuring out how to fix them is key. However, no one is under oath and therefore, the questions aren't required to be answered.

Supervisor Mann continued saying he wasn't pointing fingers; he was thrown into this also. He was working as a Working Supervisor without a job description, he wasn't appointed by the board, and his rate of pay wasn't set by Township Auditor. To him it is personal because he was also in the wrong. He went on to say, he wasn't placing blame, but rather trying to fix it and prevent it from happening again. Township Secretary Mary Myers stated, it has already been fixed and the only thing to do now is to move forward and not dwell on the past and the past mistakes.

The conversation continued between the Board of Supervisors, the Township Secretary, the Township Solicitor, and members of the public on a variety of items.

Business Insurance Renewal

The Township Secretary stated the business insurance policy was set to renew in January 2024. She questioned if the Board of Supervisors wanted to stay with the current insurance provider or look at other companies. The Board of Supervisors stated they were ok staying with the current provider, Selective Insurance through the R. R. Motter Agency, but asked that she get a quote on increasing the coverage for the school house and building two. She stated she would work with Beth and Debbie to get the coverage increased and present at the December 2023 Public Meeting.

Trout Unlimited Grant

Chairman McCoy stated he had been contacted by Scott with Trout Unlimited who stated they had grant funding opportunities available for projects that met their qualifications. He questioned Bill if the Board of Supervisors might be interested in applying for a grant to repair the Queens Run stream-bed crossing on Queens Run Road. He explained Scott with Trout Unlimited would be out to inspect the project and he would get with Rachel with the Conservation District to see if the project qualified for a grant. If the project qualifies, the Board of Supervisors would need to submit a letter of interest no later than November 17, 2023. Chairman McCoy stated he would get with Scott and Rachel and have the information available at Work Session scheduled on November 10, 2023 at 8:00 AM for review and discussion.

Superior Energy – Gas, Fuel and Propane

The question presented was do we want to continue purchasing gas and fuel from Superior Energy and propane from Heller's. Chairman McCoy stated the reason the Township purchases from Superior, is because they have a PA State contract with Costars and they deduct the taxes from the purchase price of the gas and fuel the Township purchases. The propane is purchased from Heller's because it is their tank. There is a meter on the tank and the account is set-up on auto refill. He went on to say in the past the Board of supervisors had tried using other vendors to purchase gas and diesel fuel, but it was a mess. The company they were using did not deduct the taxes from the purchase price like they said they would and they did not provide the required paperwork to have the tax money withheld refunded from the State. Vice Chairman Hoy stated he had spoken with both Woodward and Pine Creek Townships; they purchased their gas and fuel from TLC or whomever was the cheapest. They then file the report to have the tax money paid refunded back to the township.

After a brief discussion between the residents and the members of the Board, it was decided to no make any changes to the Township's diesel fuel and gasoline provider. No action was taken. The Township would continue to purchase gas and fuel from Superior Energy and propane from Heller's. However, down the road, the Township would look into purchasing their own propane tank instead of renting one from a vendor as it is a more cost-effective option. Vice Chairman Hoy stated purchasing a new propane tank would cost about \$4000, but when the propane company is charging you a dollar extra, it doesn't take long to add up.

Kioti Tractor

Vice Chairman Hoy questioned why the Township didn't have any paperwork on the Kioti tractor including the original bill of sale, the invoice with the serial numbers, and the ownership manuals? Township Secretary, Mary Myers, stated she didn't have anything on file in the office for the tractor. Vice Chairman Hoy continued staying there is no paperwork for the tractor in this building. He stated he called Hoover Tractor and they sent him a copy of the original bill of sale with the serial numbers and he would provide a copy to the secretary for put on file in the office. Chairman McCoy questioned if Vice Chairman Hoy had looked through all of the books in the garage; to which he stated he hadn't gotten that far.

Springer Corners Sign

The Township secretary stated she had received an email from Dylan Mundrick who stated he had contacted PennDOT about putting signs up along SR 664 which said Village of Springers Corners. PennDOT advised him they would need a formal request from the Board of Supervisors in order to act upon his request. After a discussion between the residents and Members of the Board of Supervisors, the Board of Supervisors decided to not move forward with the request. They asked that the township secretary respond to Dylan Mundrick email advise him of their decision.

Per Diem Employees

Discussed previously while discussing the updated Policy & Procedure Manual.

Adjourn:

With no additional business to discuss or public comments to be heard; Vice Chairman Hoy made the motion to adjourn the meeting. The motion was seconded by Supervisor Mann; the motion unanimously carried in a roll call vote. The meeting was adjourned at 9:46 PM.

The next regularly scheduled meeting will be held on Wednesday, December 6, 2023 at 7:00 PM.

Gallagher Township Supervisor Chairman
William McCoy

Gallagher Township Secretary / Treasurer
Mary J. Myers
