

**Liberty Township Board of Supervisors  
39 Topper Road  
Fairfield, PA 17320**

**May 7, 2019 Board of Supervisors Meeting Minutes**

The Board of Supervisors of Liberty Township, of Adams County, met Tuesday, May 7, 2019, at 7:30 PM at the Liberty Township Municipal Building, 39 Topper Road, Fairfield, PA 17320, for the regular monthly meeting.

**Present:** Chairman John Bostek, Vice Chairman Bob Jackson, Supervisor Walter Barlow, Solicitor John Lisko, Roadmaster Brian Arentz, and Secretary/Treasurer Wendy Peck.

Mr. Bostek called the meeting to order at 7:32 PM.

**Public Comment:**

**Geoff Grant 378 Topper Rd** commented that he recently met with Bobby Keilholtz and they discussed the position of Township Supervisors and what resources would help Supervisors in their role. Mr. Grant stated that he discovered a Leadership Development Series training program through PSATS Connect. He distributed a flyer on the training and encouraged current and incoming supervisors to attend.

**Bobby Keilholtz 24 Steelman Marker Rd** commented on his recent discussion with Geoff Grant and remarked about a tree near Mr. Grant's house. Mr. Keilholtz stated that he mentioned this tree in a previous Township meeting and it seems to be obstructing traffic by overhanging the roadway. He went on to say that Mr. Grant had given permission for the township to enter his property and remove the tree entirely. Mr. Keilholtz asked the Supervisors for an update on the County maintained bridge on Boyle Road. Mr. Jackson responded that he had spoken to representatives and they indicated that the work for the bridge had gone out for bid and that the bid award was due to take place tomorrow. Mr. Keilholtz also asked about damage to Topper Road near the turkey houses. There was some discussion about the damage being caused by trucks hauling debris during recent road work done by the state. It was stated that initially the state had indicated that they would repair the road, but that never happened. The Roadmaster stated that the road was on the list of roads to be repaired.

**Supervisor Comments:**

**Mr. Jackson** stated that the E-Cycle event on April 13 was very successful. He announced that two more events would be held at Hamiltonban Township on July 13 and October 12. He went on to state that MASA volunteered on behalf of Liberty Township to aid with the program and if needed, he would contact them again for the July and October events. Mr. Jackson reported that a request has come in from a logging company to receive permission to go over the posted 10-ton weight limit on Gladhill Road. He reported on his research and spoke about PennDOT Publication 221 – Posting and Bonding Procedures for Municipal Highways. There was much discussion about the damage that could be caused to Gladhill Road and the lack of tack coat application during the 2016 repairs. Mr. Jackson agreed to follow up.

**Mr. Barlow** had no comments.

**Mr. Bostek** reported that an Executive Session was held on April 22 to discuss the background check for the new chief of police. He distributed a flyer for the May 15<sup>th</sup> meeting about the multi-use trail. Mr. Bostek announced that Corporal Hansen resigned from the Liberty Township Police Department effective April 3. He stated that he spoke to the new chief about purchasing uniforms and that the current uniform color of grey is no longer available. Dark blue uniforms were suggested, and all the supervisors agreed with the purchase of dark blue police uniforms. Mr. Bostek stated that Chief Sherri Hansen will start work at the Township on May 13. He went on to say that Chief Hansen is scheduled to meet with former Chief Briggs to go over any outstanding issues and answer questions. Mr. Bostek stated that he will be swearing in the new Police Chief soon and it will not be a public meeting.

**Minutes:** Mr. Barlow moved to accept the minutes of the April 2 Regular Meeting. Mr. Jackson seconded the motion. All voted yes and the motion passed. Mr. Barlow moved to accept the minutes of the April 16 Workshop Meeting. Mr. Jackson seconded the motion. All voted yes and the motion passed.

**Treasurer's Report:** Ms. Peck read the Treasurer's Report.

4/30/2019	ACNB Gen Oper & Payroll Fund	ACNB Capital Reserve Fund	PLGIT Gen Reserve Fund	ACNB Fire Tax Fund	PLGIT Highway Aid Fund	ACNB Escrow Fund
<b>Beginning Balance</b>	<b>86,048.73</b>	<b>95,757.70</b>	<b>151,390.75</b>	<b>5,005.86</b>	<b>154,684.03</b>	<b>5,013.67</b>
Interest	3.94	15.74	279.31	0.00	275.35	0.00
Checks & Payments	-43,272.02	0.00	0.00	0.00	-820.66	-2,098.00
Unreported March Checks	0.00	0.00	0.00	0.00	-5,352.21	0.00
Deposits & Credits	95,172.83	0.00	0.00	19,741.62	0.00	250.00
<b>Ending Balance</b>	<b>137,953.48</b>	<b>95,773.44</b>	<b>151,670.06</b>	<b>24,747.48</b>	<b>148,786.51</b>	<b>3,165.67</b>

Mr. Barlow moved for acceptance of the April 2019 Treasurer's Report. Mr. Jackson seconded the motion. All voted yes and the motion passed.

**Expenses:** Mr. Barlow moved for acceptance of the 04/17-05/07/19 expenses. Mr. Jackson seconded the motion. All voted yes and the motion passed. Mr. Barlow made a motion for retroactive approval of the 04/14-04/27/19 payroll. Mr. Jackson seconded the motion. All voted yes and the motion passed.

**Roadmaster Report:** Brian Arentz reported on the month's activities in the Road Department which included driving 934 miles, using 85 gallons of on-road fuel, repairing signs, shoulder work, rip rap placement, cold patching and replacing the bearings on the mower. Mr. Arentz stated that he spoke to Martin Excavating and the ditching work is scheduled for May 14. He met with Haymaker to go over details of the current road work bid.

**Zoning Officer's Report:** Mr. Bostek reported that six land use permits, and two driveway permits were issued in April 2019 with \$670 permit fees collected.

**Planning Commission Report:** Planning Commission Chair Judie Hogan reported that the Planning Commission met on April 16 and that there were no submissions to be reviewed. The Commission spent its time reviewing the SALDO, a proposed well ordinance and discussed a campground ordinance. Mrs. Hogan stated that the Planning Commission has requested to be put on the May 22 workshop agenda to discuss the proposed campground ordinance. Mr. Bostek asked that the Planning Commission provide a written summary of what is to be discussed to the Board in advance of the meeting. Mrs. Hogan stated that the Planning Commission had questions and that she would send them in advance. She announced that because there were no submissions for the May meeting and several members were not available, that the May 22 Planning Commission meeting would be cancelled. Mr. Bostek announced that because of the Municipal Election on May 21, the workshop meeting would be held on Wednesday May 22, at 11 AM.

**Old Business:**

- **Treasurer Bond Claim Status** – Mr. Lisko asked that an Executive Session be held at the end of the meeting to discuss the draft letter that Zachary Mills prepared to the District Attorney.
- **Policy Manual Adoption Point of Order** – Mr. Bostek spoke about the recent vote to adopt the amended Policy Manual which includes employee benefits. He expressed concern that working Supervisors Mr. Barlow and Mr. Jackson voted on the manual. There was discussion on the amount of compensation that each working supervisor earned. It was stated that both Supervisors work on an as needed basis. It was noted that in so far in 2019 Mr. Barlow had earned a few hundred dollars working on the Road Crew and Mr. Jackson had earned zero in his role as Alternate Secretary/Treasurer. Reference was made to the State Ethics Act section on voting conflict: "Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person

responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein." A definition of conflict of interest was also referenced: "Conflict" or "conflict of interest." Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated." Further discussion suggested that the compensation for 2019 for both working supervisors had a de minimis economic impact. The Secretary was instructed to provide copies of statement of conflict memos for the working supervisors and to place the item on the agenda for the Workshop meeting making it retroactively effective. During the discussion Mr. Lisko informed the Board that he is not providing legal advice to any individual supervisor concerning whether or not they have a conflict of interest. That is a determination they need to make, after discussing with their attorney. Mr. Lisko stated that his advice is being provided as Solicitor for the Township.

#### **New Business**

- **There was no new business.**

At 8:17 PM the Board of Supervisors and Solicitor Lisko went in to Executive Session to discuss the Treasurer bond claim and Mr. Arentz's septic violation.

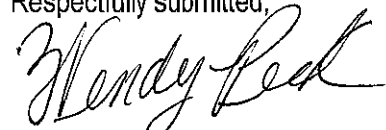
At 8:44 PM the meeting resumed.

Mr. Bostek stated that during the Executive Session the Board discussed sending a letter to the District Attorney about referring the case to the Attorney General. Mr. Bostek made a motion to send the letter drafted by Mr. Mills from the Board of Supervisors. Mr. Barlow seconded the motion. Mr. Barlow voted yes. Mr. Bostek voted yes. Mr. Jackson voted no. The motion passed. Solicitor Lisko advised the Secretary to remove Mr. Jackson's name from the list of senders on the letter before mailing.

Ms. Peck was asked to contact the Township SEO and have him attend the workshop meeting to address the Arentz septic violation.

At 8:46 PM, Mr. Bostek made a motion to adjourn the meeting. Mr. Barlow seconded the motion. All voted yes and the motion passed. The next public meeting is scheduled for Wednesday, May 22, at 11 AM at the Township Municipal Building.

Respectfully submitted,



By Wendy Peck, Secretary/Treasurer