

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

**June 6, 2017
7:30 PM**

Board of Supervisors Meeting Minutes

The Board of Supervisors of Liberty Township, of Adams County, met Tuesday, June 6, 2017 at 7:30 PM at the Liberty Township Municipal Building, 39 Topper Road, Fairfield, PA 17320, for a regular monthly meeting.

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

Not Present: Chief Brand Briggs.

Chairman Bostek called the meeting to order at 7:30 PM. He reminded attendees to please sign in and announced that the meeting was being video recorded. Secretary Peck performed a roll call. A quorum was present. Chairman Bostek opened the regular meeting to public comments.

Public Comments:

Judie Hogan 685 Friends Creek Road asked if the road signs posted along Steelman Marker indicating road closure and no winter maintenance could be removed or covered when they are not in effect. After some discussion, it was decided that the Roadmaster would look in to cost effective ways to cover the signs in the non-winter months. Judie Hogan also asked for follow up on her question last month regarding greenery obstructing the clear view for traffic along a portion of Ranch Trail near Route 16. The Roadmaster reported that he has already reported it to Carroll Valley Borough and agreed to follow up.

Vince Gee 2628 Tract Rd commented on several budget items including charges for the zoning officer and the Township Solicitor. Mr. Gee asked how copies of the invoices be made public. The Solicitor responded by stating that some of the detail of invoices would be covered under attorney client privilege and although the invoices would possibly be available under the right to know law, confidential information would need to be redacted. Mr. Bostek responded stating that some of the reasons for the increased charges were a result of several ongoing issues within the Township, including the current lawsuit with Mr. Barlow, the investigation surrounding the former Secretary/Treasurer, the unresolved 2016 paving contract with New Enterprise, review of Friends Creek Road ownership and responsibility, and the Wenchoff Road culvert. Mr. Gee also asked if the Board of Supervisors could take a vote before spending in areas that are overbudget. Mr. Jackson responded the Board of Supervisors look at the current income from time to time, regularly reporting on the finances at the public meetings and cutting back when possible and necessary. He went on to state that the budget and the townships finances are an open and ongoing discussion and that the financial statements are available on the table in the meeting room.

Mrs. Green Oak Grove Drive asked Mr. Barlow why he would sue the Township and asked how it would be possible to work together with the other Supervisors under the circumstances. Mr. Barlow replied that he could not answer the question.

George Green Oak Grove Drive referred to Mr. Gee's comments about the legal expenses and asked if the charges were related to current lawsuit and if that was causing the significant increase. Mr. Bostek responded that the legal expense for the lawsuit were included but so far, they have not been significant. He went on to describe many of the out of the ordinary issues that were occurring at once and causing the legal expenses to be higher than usual.

Cindy Arentz 1734 Tract Road; Donna Powers 608 Pecher Road; and Sherri Kipe 609 Harbaugh Valley Road all had questions and comments regarding the topic of Friends Creek Road. The Solicitor responded and clarified the misinterpretation of the information. He stated that Friends Creek Road is a public Township Road and the Township could continue to maintain it or vacate the road. After a question from the audience about liquid fuels funding. Mr. Bostek responded that the Township is not currently receiving the approximately \$750 in liquid fuels funds for the road. He also reported that the topic of Friends Creek Road is still being looked in to and that there will be additional public meetings to address it.

At 7:59 PM Chairman Bostek closed the public comments portion of the meeting.

Supervisor Comments:

Mr. Bostek reported that the Zoning Officer charges were overbudget and explained it was due to more activity surrounding enforcement that does not always generate an income to off-set the charges. He went on to state that the item was underbudgeted and more funds would be allocated to that area in future years. Mr. Bostek also reported that the elected auditors have issued their minutes from the quarterly meeting.

Mr. Jackson made comments his feelings on not being able to respond to many of the public comments because of the current lawsuit. He stated that he was grieved at not being able to discuss more. He also stated that he supported overall transparency and if permitted to do so, he would make all his correspondence available for public review.

Mr. Barlow had no comments.

Minutes:

May 2 BOS - Mr. Bostek presented the minutes from the May 2 Board of Supervisors meeting and asked the Board if they had a chance to review them. All confirmed that they had received and reviewed the minutes. Mr. Jackson made a motion to accept the May 2 meeting minutes. Mr. Barlow seconded the motion, and the motion passed unanimously.

May 18 Workshop - Mr. Bostek presented the minutes from the May 18 Workshop meeting and asked if everyone had a chance to review them. Mr. Jackson confirmed that he had read them and he made a motion to accept the minutes from the May 18 Workshop. Mr. Barlow stated that he did not have the minutes and abstained from voting. Mr. Bostek seconded the motion and the motion passed.

May 25 Friends Creek Special Meeting - Mr. Bostek presented the minutes from the May 25 Friends Creek Special Meeting and asked if everyone had a chance to review them. All confirmed that they had received and reviewed the minutes. Mr. Jackson made a motion to accept the minutes from the May 25 Friends Creek Special Meeting. Mr. Barlow seconded the motion, and the motion passed unanimously.

Treasurer's Report: Ms. Peck read the May Treasurer's Report. She reported that restricted funds have been separated from the unrestricted funds on the report. Mr. Barlow moved for acceptance of the report. Mr. Jackson seconded the motion and motion passed unanimously.

Approval of Expenses: Mr. Bostek presented the May expenses. Mr. Barlow moved for acceptance of the May expenses. Mr. Jackson seconded the motion and the motion passed unanimously.

Police Officer's Report – Chief Briggs was not present. No report was given.

Zoning Officer's Report – Mr. Bostek read the May Zoning Report. The report showed that two Land Use Permits were issued bringing in \$500 in fees.

Roadmaster Report – Mr. Arentz reported on the May Road Department activities. Mowing was completed, brush was cut. Cold patching was performed where needed. The private road signs were installed. Truck 130 had a chip in the windshield and it was repaired. Mr. Bostek asked the Roadmaster about the recent purchase of fuel additive. Mr. Arentz reported on the condition of truck and advised that it is due for fuel injector replacement. Mr. Barlow reported that \$6,000 was spent on repairs for the truck in 2016. He also stated that the road department had planned to add the purchase of a replacement truck in 2018 budget. He went on to state that the truck had over 100,000 miles on it and replacing the injectors would be an additional \$4,000.

Planning Commission Report: Planning Commission Chair Nancy Wenschhof reported that the Planning Commission did not meet in May. She also reported that four Liberty Township Planning Commission members attended a recent free training held by Adams County Planning Commission. Ms. Wenschhof reported that she learned that the focus of the planning commission should be reviewing ordinances and not approving plans. It was stated that Liberty Township's SALDO was last reviewed/revised in 2008. She stated that the Planning Commission would review the SALDO to see what if anything, needed to be revised. Ms. Wenschhof also stated that she learned that not all Planning Commissions are advisory, some give final decisions. She also reported that some receive compensation.

Old Business

Boll, Ronald E 30 Flenner Trl 25AA0-0158---000 Zoning Violation: Mr. Bostek gave a brief history on the issue summarized the topic of the townships zoning violation and other issues surrounding the property owned by Mr. Boll. The Solicitor elaborated stating that it started as a general complaint and the township has contacted Mr. Boll to cleanup his property. Mr. Boll was issued a zoning violation and the court ruled in the Township's favor. Mr. Boll is currently incarcerated and any efforts to enforce a cleanup on his property could prove to be futile. The Solicitor mentioned a prior instance where Liberty Township took steps and filed a lien another property which after 10 years remains unsatisfied. The efforts of the zoning officer on this matter have been exhausted. There was some talk of involving the DEP and the Township SEO over a concern of raw sewage on the property. Mr. Bostek asked if the SEO had been contacted already. Mr. Barlow reported that he had. The Solicitor asked for a copy of the SEO report. Mr. Bostek asked if there were any comments before the BOS voted to file a lawsuit. Mr. Barlow asked if the Township should contact the DEP prior to doing that. Chairman Bostek moved to table the issue.

Bialecki, Steve 50 Irishtown Rd 25D18-0033---000 - Roadway Ditching/Drainage Pipe – Mr. Jackson reported that Mr. Bialecki was requesting assistance from the Township to install a drainage pipe at his field access. Mr. Bialecki reported at a previous meeting that road access was damaged from the recent ditching work performed on Irishtown Road. Mr. Jackson reported that several options were explored to find a pipe for Mr. Bialecki and that he has been contacted and given information where he can obtain a pipe at no charge. No further action was necessary.

Somerville, David 575 Water St 25C15-0095---000 – Land Use Permit Denial- Mr. Bostek reported that Mr. Somerville was recently denied a Land Use permit for an accessory structure. The Zoning officer determined the area designated for structure was in the front yard. This is not allowed in accordance with the zoning ordinance and the permit was denied. There was some discussion that involved comments from Planning Commission members and the Township Solicitor to determine the best course of action. The Solicitor explained the process and role of the Planning Commission, the Board of Supervisors, the Zoning Officer, and the Zoning Hearing Board. The Solicitor stated that Mr. Somerville has a 30-day window to apply for an appeal to the Zoning Officers' decision, an unlimited time to apply for a variance or he can wait for the Board of Supervisors to change the wording and reapply. Mr. Barlow made a motion to direct the Planning Commission to review the wording in the ordinance pertaining to Mr. Somerville's permit application denial and the front yard definition. Mr. Jackson seconded the motion. The motion passed unanimously.

Forensic Audit – Mr. Bostek reported that Karen Frey was on-site reviewing Township files on May 17, May 23, and May 30. The audit is ongoing.

New Enterprise 2016 Road Contract - Mr. Bostek asked the Solicitor if he had heard a response from John King at New Enterprise. The Solicitor replied that on May 22 a settlement offer was presented to new Enterprise. They have acknowledged receipt and are reviewing it, but they have not responded.

New Business:

Non-Uniform Plan Motion Consideration: Mr. Bostek read the following motion: *Motion that Retirement Plan Services, LLC be directed to deduct excess Non-Uniformed Employees' Pension Plan contributions made in plan years 2013, 2014, 2015 and 2016 from the account of LeeEsta Shaffer in the total amount of \$1,479.13 and the funds be returned to Liberty Township.* The Solicitor offered a background on the motion and explained that the amount of overpayment was calculated based on the results of the 2016 SEK payroll audit. Mr. Barlow moved to accept the motion. Mr. Jackson seconded the motion. The Chairman opened public comment. Mr. Barlow asked the Solicitor if a civil suit could be filed to recoup the missing funds. The Solicitor replied that it was an option, but he did not recommend that as the next course of action. The Solicitor stated that there was another option for the Board of Supervisors to consider, but that would need to be discussed in an Executive Session. Donna Powers asked if this action should be taken before the audit was complete. The Solicitor stated that the pension plan needed to be reconciled immediately and that because the payroll audit was complete, and the current audit is not related to payroll. Mary Grace Keller from Gettysburg Times asked why the specific years were targeted. Mr. Bostek responded that those were the years that the payroll audit determined the overpayment occurred. A vote was taken. All vote yes. The motion passed.

Police Pension Plan Motion Consideration: New Department of Labor (DOL) regulations mandate retirement plan sponsors add a named third-party fiduciary to their plan by June 9, 2017. Options are: Select List- client controls investment direction and cost is 1 basis point applied to total assets and Select List plus Automatic Execution Services - Wilshire automatically removes accounts if changes are needed (if no action is taken by client) and cost is 2 basis points applied to total assets. Mr. Bostek made a motion to pass Motion to choose Option 1 - Select List. Mr. Jackson stated he looked in to this new requirement and it will cost approximately \$36 per year. Mr. Jackson move to pass the motion to choose Option 1- Select List. Mr. Barlow seconded the motion. There were not public comments. A vote was taken. All voted yes. The motion passed.

New Security Camera Installation Proposed location diagram – Mr. Bostek asked the Board of Supervisors if they had received and reviewed the diagram proposing the placement of the donated security systems. He stated that in addition to the cameras, the installation was also being donated by Vince Gee 2628 Tract Road. Mr. Bostek made a motion to accept the installation with the proposed locations. Mr. Gee stated the approximate cost of the cameras plus and installation. He stated that he had experience installing camera systems of this type and he reiterated that his family was donating all costs. Mr. Jackson seconded the motion. There were no public comments. A vote was taken. Mr. Bostek voted yes. Mr. Jackson vote yes. Mr. Barlow abstained from voting. The motion passed.

At 8:55 PM, Mr. Jackson mad a motion to adjourn, Mr. Barlow seconded the motion, and approval was unanimous.

The next regularly scheduled Board of Supervisors meeting will be held on Tuesday, July 11, at 7:30 PM at the Township Municipal Building.

Respectfully submitted,



By Wendy Peck, Secretary/Treasurer