

**FREEDOM TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING  
November 6, 2019  
7:00 P.M.**

**BOARD OF SUPERVISORS**

Paul Kellett, Vice-Chairperson  
Matt Young

**TOWNSHIP OFFICIALS PRESENT**

Zachary Gulden, Township Manager

**MEMBERS OF THE PUBLIC PRESENT**

Mary Buchheit, Brenda Synder, Herb Milligan, Ed Buchheit, Whitney Coombs, Nancy Coombs, Pat Welles, & Donna Moran

**CALL TO ORDER**

Vice-Chair Kellett called the Board of Supervisor's Meeting to order at 7:00 p.m.

**EXECUTIVE SESSION**

- 10/9/19

Vice-Chair Kellett announced that the Board of Supervisors held an executive session after the regularly scheduled meeting on 10/9/19 for approximately 15 minutes. The discussion topic was tax litigation relating to 2560 Bullfrog Road.

**PUBLIC COMMENT**

None

**APPROVAL OF MINUTES**

Mr. Young made a **MOTION** to approve the Minutes of the October 9, 2019 budget workshop and regular meeting. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (2-0).

**APPROVAL OF BILLS IN THE AMOUNT OF \$45,352.46 FROM THE GENERAL FUND & \$652.00 FROM THE ESCROW FUND FOR CONSIDERATION**

Mr. Young made a **MOTION** to approve the financial report and bills in the amount of \$45,352.46 from the General Fund and \$652.00 from the Escrow Fund. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (2-0).

**ROAD REPORT**

The road crew completed the following tasks in October:

- String trimming, leaf & debris cleanup, trash pickup, mowing along roadways, & mowing at Township lot.
- Chemung Supply delivered guard rail supplies for Natural Dam Culvert project & other road supplies (tire chains & sign posts).
- Kint Fire Ext. Company conducted yearly check and retagging fire extinguishers.
- Mar-Bar Tire Co. installed 4 rear tires on Dodge truck.
- Ed helped at recycling event at Hamiltonban Township.
- Tree removal and ditching work on Middle Creek & McGlaughlin Roads.
- Took dump truck to Greenmount Fire Department for open house event.
- Installed EV posts and signs at charging station at Township parking lot.
- Met with Hull's Electric – EV check.
- Met with Comcast – switching services.
- Made and returned PA 1 calls.
- Reset breakers for EV station.
- Haul stone for ditching work.
- Top of wing walls have been repaired by contractor at Natural Dam Road culvert project.

<b>Road Crew Employee</b>	<b>Hours Worked</b>
Mike Wenschhof	119
Ed Wenschhof	76

Mr. Young made a **MOTION** to approve October's Road Report as submitted. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (2-0).

**EMS & FIRE REPORTS**

Adams Regional Emergency Medical Service (AREMS) did not submit October's EMS report.

Mr. Milligan read the fire report.

Mr. Milligan also read a letter from President Daniel Ohler thanking the Supervisors for donating \$250 towards the children's Halloween party, which was a great success. The event had over 70 participants.

**OLD BUSINESS**

None

## **NEW BUSINESS**

### **A. Approval of an advertisement for the 2020 stone bids for consideration.**

Vice-Chair Kellett made a **MOTION** to approve an advertisement for the 2020 stone bids. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (2-0).

### **B. Tentatively adopt the 2020 proposed budget and approval of an advertisement notice stating that the 2020 proposed budget is available for public inspection at the Township building during regular office hours and on [www.freedomtownship.us](http://www.freedomtownship.us) for consideration.**

Vice-Chair Kellett made a **MOTION** to tentatively adopt the 2020 proposed budget and approval of the advertisement notice. The **MOTION** was **SECONDED** by Mr. Young. The motion carried unanimously (2-0).

## **OTHER BUSINESS**

Mr. Gulden said that the Adams County Tax Assessment Board has denied the Township's tax determination request for 2560 Bullfrog Road; therefore, he is requesting the Supervisors authorize the Township's attorney to appeal the decision to the Adams County Court. He said the appeal must be filed within 30 days.

Mr. Kellett stated that this was the reason for the Executive Session mentioned earlier in the meeting. He said that even though the vast majority of the property's assessment value is located in Freedom Township and the Gettysburg Area School District (GASD), it is fully taxed in Liberty Township and Fairfield Area School District. Freedom Township and GASD are appealing this determination in order to obtain the tax revenue.

Mr. Young made a **MOTION** to authorize the Township's attorney to appeal the Adams County Tax Assessment Board decision to the Adams County Court. The **MOTION** was **SECONDED** by Vice-Chair Kellett. The motion carried unanimously (2-0).

Mr. Gulden said he has received numerous phone calls over the past year regarding excessive dog barking on a property on McGlaughlin Road. He said he investigated the matter, and there is nothing that the Township can do per current Township Code. Mr. Finicle provided a sample animal noise ordinance; however, he did not recommend it due to Freedom being a rural township.

Ms. Moran stated she supports an animal noise ordinance, because her neighbor's dogs on McGlaughlin Road constantly bark. She said they can be heard at all hours of the day and night. Mr. Gulden asked Ms. Moran if the dogs are in the fenced in dog runs or in the barn when they bark. She said she believes they are in the runs. Mr. Gulden said that §1304.S. (Kennel) of the Township's Zoning Ordinance states:

- No animal shall be permitted to use outdoor runs from 8:00 PM to 8:00 AM.

Vice-Chair Kellett asked for the definition of a kennel. Mr. Gulden said Section 202 of the Zoning Ordinance states that a kennel is a:

- Structure on any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to, dog or cat kennels. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

Mr. Gulden said he did not enforce this section of the ordinance, because he could not find proof that the property owners are operating a “kennel” for a “fee.” It was his understanding that they are their personal dogs. Ms. Moran said her neighbor is a breeder. Mr. Gulden said he investigated, but could not find evidence that they are in fact a breeder. Vice-Chair Kellett asked when the runs were constructed. Mr. Gulden said they received a zoning permit for the fenced in runs back in 2018.

Mr. Young asked if she has contacted the Adams County SPCA on this matter. Ms. Moran said no. Mr. Young said they may be able to help. He said that he does not support an animal noise ordinance. He said the Township’s zoning ordinance would only apply if the property owner is running a fee based kennel from his property, which we cannot prove. Vice-Chair Kellett agreed.

Mr. Gulden said Section 1303.G. states:

- Noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25) feet from any property line of the property from which the noise source is located, shall not be permitted.

Mr. Gulden said the Township cannot enforce this section of the code, because it does not own a decibel or sound level meter. Vice-Chair Kellett said even if the Township had a decibel meter, it would still be extremely difficult to prove in court. They would have to prove to the that the Township staff is adequately trained to use the meter, and prove that the meter was properly working at the time the reading was taken.

Mr. Coombs said that he owns the property for which Ms. Moran is complaining about. He said he has never seen Ms. Moran, and none of his neighbors have ever complained about his dogs barking. He said they are not breeders, have no litters, and their dogs are family members and are used as livestock guardians. Mr. Coombs stated he would have appreciated if his neighbors told him about their complaints. He puts the dogs inside their shelter after Jeopardy at 8pm.

Vice-Chair Kellett stated that he recommends that Mr. Coombs work towards a resolution with his neighbors. He said it would be a different situation if Mr. Coombs, for example, was running

advertisements in the newspaper selling dogs or running a fee based kennel. Mr. Young agreed.

Ms. Snyder stated she is representing Mr. Patrono who was supposed to be here representing another property owner on McGlaughlin Road. She said they also complained about endless barking, and it comes down to respect between neighbors. She said they need to work this out amongst themselves. Ms. Snyder said the first sentence under the noise section of the zoning ordinance states: "noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled." Vice-Chair Kellett stated that sentence is hard to prove in court.

Mr. Gulden recommended Mr. Coombs plant evergreen trees on his property line in order to help control the noise. Mr. Coombs stated they have, and they will continue to do so.

### **STAFF REPORTS**

#### **A. Manager / Zoning Officer**

Mr. Gulden said he prepared the budget, answered citizen calls, misc. filing, and maintained the Township's website.

#### **B. Solicitor**

None.

#### **C. Adams County Council of Governments**

None.

### **PUBLIC COMMENT**

Ms. Snyder thanked the Supervisors for the donation to the fire department for the children's Halloween party. She said it was very successful, and they hope to have another event in the future.

### **ADJOURNMENT**

There being no further business Mr. Young made a **MOTION** to adjourn. The Motion was **SECONDED** by Vice-Chair Kellett. Vice-Chair Kellett adjourned the meeting at 7:47 p.m.