

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

**May 25, 2017
10 AM**

Friends Creek Special Meeting Minutes

The Board of Supervisors of Liberty Township, of Adams County, met Thursday, May 25, 2017 at 10 AM at the Liberty Township Municipal Building, 39 Topper Road, Fairfield, PA 17320, for a Special Meeting to discuss Friends Creek Road.

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

Public Present: Judy Hogan, Bart Hogan, Bob Robinson, Attorney Gary Hartman, Joan Jackson, Donna Powers, Sheri Kipe and Pennie Keilholtz.

Chairman Bostek called the meeting to order 10 AM. Secretary Peck performed a roll call. A quorum was present.

Review of available Friends Creek Road documentation (Phillips): Solicitor Phillips made opening comments to state the purpose of the meeting. The meeting was being held to determine the status of Friends Creek Road. Two issues were being discussed: 1) PennDOT's recognition of the road; 2) Township ownership. Historically Liberty Township was doing some level of maintenance to the road. Township ownership of the road is now in question. The Solicitor reviewed the available documents pertaining to the area, which included the Adams County GIS map and the PennDOT road map of the area. The documents were made available to all present. The Solicitor reported that he reviewed county records and according to the GIS map it shows parcel 25C18-0037---000 owned by Tousimis, in Liberty Township. The road then goes back in to Carroll Valley Borough through three parcels and then in to parcel 25C18-0030---000 owned by Robinson.

The records state that in 1976 via **Ordinance 3-76 An Ordinance Vacating the Friends Creek Road**, Liberty Township vacated a portion of Friends Creek Road. "The portion of Friends Creed Road designated as Township Road T-311, running between the eastern boundary of lands now or formerly of Robert J. Caitlin to the Mason-Dixon Line boundary between Pennsylvania and Maryland be, and the same is hereby vacated." It was determined through county records that the Caitlin property is parcel 25C18-0030---000 (currently owned by Robinson).

The PennDOT map shows different boundaries than the Adams County map. If the Adams County map is accurate, the area over the creek crossing is actually located in Carroll Valley Borough. It was noted that the state Liquid Fuels road inventory listing is not an inventory of all Township roads.

Referring to the GIS map handout, it was noted that the parcel area near the label was jointed in a deed of consolidation without annexation.

Additional documentation for consideration (Public): Attorney Hartman stated that the County may reflects a tax boundary and not a municipal boundary. Mr. Robison gave a history of the ownership and maintenance of the road and an interpretation of the current boundaries. Attorney Hartman provided letters from the current residents appealing to the Township to continue maintenance on the road. He also provided a letter from former Township Solicitor Davis stating the Township's duty to maintain the road if it is a Township road.

PennDOT perspective (Kopp): Josh Kopp reported that the road was erroneously added to the Liquid Fuels inventory in 1999. He added that he removed it at Supervisor Barlow's request in 2016 per their interpretation of Ordinance 3-76. He went on to state that he would not be correcting his error because he believed it should not have been added in 1999. It was determined that if the road was not on the liquid fuels inventory, the loss of liquid fuels funds amounted to approximately \$750. At the request of Solicitor Phillips, Mr. Kopp stated the criteria for the road be added to the Liquid fuels inventory. He stated that a gravel road is acceptable. Mr. Kopp advised that the road would need to have a cul-de-sac and it would also need a bridge. If the Township obtains the necessary DEP permits to maintain the ford, the road would require a cul-de-sac without a bridge.

General discussion (All attendees, Led by Supervisors)

Mr. Jackson gave a history on his involvement with the maintenance of the road and the ford. He also reported on his experience with getting permission and permits from various agencies for the maintenance. He stated that he did have letters communicating with the DEP regarding a permit for previous work that was done. He agreed to provide the documents to the Township Secretary for distribution.

Mr. Barlow gave his interpretation of the road vacation Ordinance 3-76. He spoke of his role in working with PennDOT to remove the road from the liquid fuels inventory. Mr. Barlow gave his thoughts on the Township's responsibility to maintain the road and stated his objection to the history of the Township's maintenance of the road and the ford area.

Public Comment

Mr. Robinson noted that at some point the area was flooded by an illegal dam built up stream. Comments from the Roadmaster and Mr. Robinson report that no maintenance is currently being done to the ford. The Township is maintaining the areas around it by adding and adjusting the gravel that is being washed away.

Mr. Hogan gave a history of the road and his recollection of why the road was initially vacated. He stated that the vacation was done at the request of the Friends Creek Road property owners because of an excessive amount of illegal activities in the area at the time.

Donna Powers asked for clarification on using liquid fuels money on Township roads. With confirmation from PennDOT representative Josh Kopp, Solicitor Phillips responded. It was explained that Liquid Fuels funds can be used to maintain any roads that the Township is responsible for even if that particular road is not being funded by Liquid Fuels. Mr. Phillips went on to explain what part of Friends Creek Road has not been vacated and explained the process of vacating a road.

Closing comments (Supervisors)

Secretary Peck was instructed to copy and distribute the various handouts to the Supervisors, the Township Solicitor, and Attorney Hartman. Among the handouts will be a letter regarding a permit that will be provided by Mr. Jackson.

Solicitor Phillips agreed to check the boundaries to confirm the municipal lines.

With no further business, Mr. Jackson made a motion to adjourn the meeting at 11:20 AM. Mr. Barlow seconded the motion and approval was unanimous.

Respectfully submitted,



By Wendy Peck, Secretary/Treasurer