

MINUTES OF REGULAR MEETING OF AUGUST 15, 2001

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:00 p.m. on August 15, 2001 by Chairman Robert Rouser. Board members present were Robert Rouser, Chairman, Albert Zuccolotto, Secretary-Treasurer, and Steve Buncich, Vice-Chairman. Solicitor William Barbin was also present.

FLOOR OPENED TO PUBLIC COMMENT ON AGENDA ITEMS:

No comment received.

MINUTES:

The minutes of the regular meeting were distributed. There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to approve the minutes of the regular meeting of July 18, 2001. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to pay the bills for the month of August 2001 in the amount of \$9,192.40 for the General Fund, \$4,834.71 for Liquid Fuels, and \$3,574.51 for the Sewer Fund. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

POLICE REPORT:

The police report submitted by Chief Louis Barclay for the month of July 2001 for Conemaugh Township and Benson Borough was read. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to accept the police report for the month of July 2001 for the Township and Benson Borough. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

Mr. Ernest Holsopple of 650 Sugar Maple Avenue, Hollsopple stated he was representing the Pennsylvania Farm Bureau and the AG Security Council. Mr. Holsopple wished to have clarification on Ordinance No. 639, which was on the agenda for adoption. This ordinance deals with activities that obstruct or place dirt, waste or manure on public roads and highways.

- 1) Mr. Holsopple wanted to know what businesses this ordinance would affect. Solicitor Barbin indicated that the ordinance would apply to anyone doing the described conduct within the ordinance.
- 2) Mr. Holsopple referred to the definition of Public Right-of-Way within the ordinance. He asked if this was intended to circumvent around the AG Security. Solicitor Barbin answered that the Township has the right to regulate Township roads and the AG Security law does not aver gate the Township's right to regulate roads. He noted that the Township was not regulating activity on private property, just the use of public roads.
- 3) Mr. Holsopple referred to the Blocking of Public Driveways within the ordinance. He wanted to know if every business would be affected if they would park more than five

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minutes on the paved portion of a roadway. Solicitor Barbin answered yes. Mr. Buncich stated the Township is looking at situations where individuals would be blocking the roadway causing traffic backups. Solicitor Barbin indicated that in areas where there would be an alternate road, it would not be a problem, but along country roads, it would be a problem.

- 4) Mr. Holsopple referred to the definition of Road Waste within the ordinance. He wanted to know how “odors” could be considered road waste. Solicitor Barbin explained that the ordinance states, “waste deposited on the road *to an extent which causes* a reduction in traction, *odors*, or can be picked up by the tires of vehicles.”

Mr. Holsopple stated that since the ordinance does deal with all businesses, this would eliminate the rest of his questions.

Mr. John Slobozien of 527 Soap Hollow Road was next to speak. Mr. Slobozien stated that over the past five years he has worked with Chief Imler and Chief Barclay concerning the condition of the intersection of W. Campus Avenue and Soap Hollow Road where his cattle cross the roadway. He indicated that he has complied by scraping up the manure left by his cows on the road, and also by using the Soil Conservation Specifications to improve the area where his cows enter the roadway by installing various layers of stone, filter, and gravel, which cost him \$1,200. Mr. Slobozien also stated that he had complaints about his manure spreader leaking onto the roads, so he purchased a tank spreader for \$2,500 to eliminate that problem. In July 2001, he was notified that his feed truck was blocking traffic while it unloaded feed, so he cut out the bank against his barn for the trucks to pull off, at a cost of \$300. Mr. Slobozien felt that he has done everything he has been asked to do to keep this intersection clean. He would like to know what he could do to do a better job.

Mr. Ed Naugle stated that he has lived at the intersection of Soap Hollow Road and W. Campus Avenue for years and he is the one who more or less instigated this ordinance. Mr. Naugle indicated that he has had cows knock his fence down, and go through his yard – they are unsupervised. He also noted that his dogs do not go over onto the farm property. He has to shovel manure from in front of his driveway, and he has to drive through the mess on the road. Mr. Naugle stated he had pictures of what he has to drive through. He said that there was another farm up the road that receives no complaints.

Mr. Bob Hardell stated that he does not own a farm in the Township, but to pass an ordinance like this makes no sense since there is basically just a problem between two individuals. He felt the two should get together and resolve this dispute, and that the ordinance should not be passed.

Chairman Rouser stated that this matter was turned into the State, it is a safety issue, and it deals with only one particular spot. The Supervisors do not necessarily want to pass an ordinance to govern the entire Township, when there are no problems or complaints pertaining to this anywhere else in the Township. But, since it was turned into the State and the Township was notified that it is a safety hazard where vehicles could slide through the stop sign on the manure, if the Supervisors would do nothing about it, they would be liable since they were aware of the situation. At present, the Township cannot do anything about it because there is no ordinance in place to govern the situation. Chairman Rouser stated that the Supervisors wish there would be cooperation in this matter so that this ordinance would not have to be enacted. He also noted that he was contacted by Representative Bastian, who was on the farmer’s side, but also realizes that the Township is in the middle. The ordinance will be brought up on the Agenda and hopefully it

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will be tabled, and if it is, the Township will still have an ordinance sitting here that could be adopted if necessary.

Mr. Zuccolotto stated that the Township had to draft an ordinance and advertise it in order to inform the residents and to get them here to voice their opinion. Now, the people have shown up and given their opinion, and it is hoped that the gentlemen involved will work on this problem to get it rectified. The Supervisors will table this ordinance, but if this problem comes up again, they will be forced to adopt it. Mr. Zuccolotto noted that he has been hearing about this issue since 1992, and from many more people than Mr. Naugle.

Mr. Holsopple requested that if, in the future, there is a problem, he should be contacted so it could be addressed through him. He is the representative for the AG Security and he should have been contacted at the start of this. The Supervisors agreed that he would be contacted in the future; they were unaware that they should follow this procedure.

Mr. John Oleskey of Sugar Maple Avenue, Hollsopple stated that it was a great thing that the Supervisors will table this ordinance, but he wanted to ask if the Supervisors ever corresponded or contacted Mr. Slobozien. Mr. Zuccolotto indicated that it is not the Supervisors' job to do this, but the Township police were in contact with Mr. Slobozien, along with the Zoning Officer. The Township has addressed this situation, but it has gotten worse over the last six months.

At this point, there was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to table Ordinance 639, an ordinance setting standards for activities which do or may obstruct or place dirt, waste or manure on public roads and highways, requiring cleanup of public roads, and establishing penalties for violation, until such time that the problem may arise again, at which time the Supervisors will contact Mr. Ernest Holsopple, representative for AG Security, to try to resolve the problem. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

Mr. Slobozien stated that he was not sure what more he was supposed to do. Mr. Zuccolotto told him to keep the manure from getting heavy on the roadway, keep it from becoming a traffic hazard. Mr. Slobozien indicated that people have driven down on purpose when the cows are crossing just to be noticed, and he has complained about this and a citation was even written on this. Mr. Zuccolotto stated that if the Township receives a complaint, the police would take pictures, and Mr. Holsopple will be contacted to validate the complaint. It would have to be up to the discretion of the police officer as to whether or not there was a safety hazard created. The ordinance states that the manure should be cleaned up within a twenty-minute period. Mr. Slobozien felt that he was in more danger than anyone else by standing in the middle of the road shoveling when the vehicles are traveling at a rate of 30 to 40 mph.

Mr. Ed Mattis of Mattis Hardware, Davidsville stated that he was glad that the ordinance was tabled, but he had a problem with the way it was written. He indicated that the Right-of-Way includes alleys. He stated that the Township does not maintain the alley by his store. His delivery truck come every Monday morning and blocks that alley for at least twenty minutes. The way the ordinance is written, he would have to get permission seven days prior. Solicitor Barbin explained that this would only pertain to him if the Township or the Commonwealth would own this alley, as stated in the ordinance. Mr. Mattis noted that his neighbor owns half of

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the alley. Since there is no agreement on this alley, any complaints concerning the alley would be a private complaint, not a Township concern. Chairman Rouser noted that there was another access road in this area. Mr. Mattis asked if everyone on that alley would sign papers to give the alley to the Township, would the alley become Township property. Solicitor Barbin answered, yes, if it becomes a public road and this ordinance was adopted, unless a permit was granted to block the roadway. Mr. Zuccolotto noted that this was not what this ordinance was intended for. Solicitor Barbin also stated that the ordinance could be changed to list all the roads involved.

Mr. Slobozien wanted to go on record that he would be glad to sit down with the Ag Security to discuss this matter further.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **DONATION.** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to give a donation of \$100.00 to the Humane Society of Somerset County. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.
2. **ADVERTISEMENT FOR ROOF BIDS.** There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to advertise for bids for a new roof for the municipal building. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.
3. **RESIGNATION FROM C.T.M.A. BOARD.** A letter of resignation from the C.T.M.A. Board was received from Dean Glessner. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to accept the resignation of Dean Glessner from the C.T.M.A. Board. Roll call vote: Mr. Zuccolotto - yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.
4. **APPOINTMENT TO C.T.M.A. BOARD.** A letter was received from the C.T.M.A. requesting that the Supervisors appoint Charles Caricco to the Board to fill the unexpired term of Dean Glessner. This appointment was not approved due to the lack of a motion.
5. **ADOPTION OF ORDINANCE NO. 638.** Solicitor Barbin explained that this ordinance comes from the complaints received concerning golf balls hitting cars along Somerset Pike. The ordinance is not being written against one particular person, it covers commercial activities. The license would require commercial enterprises to take mitigation measures to prevent projectiles from leaving their property. This would not cover someone hitting golf balls in their back yard. Projectiles could include the firing of guns, bow and arrows, golf balls, and baseballs at commercial enterprises only. The ordinance requires that safety measures be taken

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to catch the projectiles. Mr. Zuccolotto noted that here, again, this ordinance comes from a driving range along Somerset Pike, a State route, where several cars have been hit with golf balls, and the business establishment is not cooperative in paying for the damage done. There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to adopt **Ordinance No. 638** requiring the licensing of certain commercial establishments in which projectiles may leave the property, establishing standards for safety, and setting penalties for violation. Roll call vote. Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

6. **1996 BACKHOE AGREEMENT.** Mr. Zuccolotto stated that the Township had donated a 1996 Case Super L Backhoe to the Water Authority a few years ago and an agreement needed to be signed that would indicate that at which time the title is released from encumbrances, it would be turned over to the C.T.M.A. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to sign the Agreement and Bill of Sale between Conemaugh Township and the C.T.M.A. agreeing that if the Township refinances the equipment loan, the backhoe will be removed as collateral, and that the Township will release the backhoe title no more than three years from now. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

7. **ADOPTION OF RESOLUTION NO. R-01-01.** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to adopt **Resolution No. R-01-01** requesting permission to participate in the Pennsylvania Department of General Service Cooperation Purchasing Program (“Piggy Back”). Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

8. **ADVERTISEMENT FOR ROAD MATERIAL.** There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to advertise for bids for ASSHTO #10 dust to be used on tracks. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

9. **REFINANCING EQUIPMENT LEASES.** Mr. Zuccolotto indicated that with the interest rates the way they are, the Township had requested proposals for the refinancing of its equipment lease loan. The Township will be saving approximately \$42,000 a year in payments by refinancing the loan. He also noted that the financial institution would be releasing the title for the 1996 Case Super L Backhoe from the collateral list for this loan so that the title can be turned over the C.T.M.A. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to sign the Master Equipment Lease/Purchase Agreement prepared by City and County Financial Corp. and the supporting documents for the refinancing of the Township trucks. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

10. **POLICY AND PROCEDURES FOR PROTECTED INFORMATION.** Solicitor Barbin stated that he had reviewed this with Chief Barclay and it basically sets confidentiality guidelines. These guidelines must be in place before other organizations will share information with the police department. There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to adopt a Policy and Procedures for Dissemination of Protected Information to establish policy guidelines for the Police Department, which will enable the department to gather, disseminate, and receive intelligence, investigative and treatment data from other conforming criminal justice agencies. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

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11. **PENN VEST APPLICATION.** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to direct Paul C. Rizzo Associates, Inc., engineers, to submit a funding application to Penn Vest on behalf of the Conemaugh Township Sewer Department for design costs for the Tire Hill – Benscreek sewage collection and treatment facilities by the due date of September 5, 2001. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

It was noted that upon approval by the Supervisors for submission of the application, a mandatory consultation meeting would be held between the Supervisors, DEP, and Penn Vest on Monday, August 20, 2001, at 9:30 a.m., in the Ebensburg DEP office concerning the funding application.

12. **TRANSFER OF PROPERTY.** There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to sign the Acknowledgement which is to be attached to the deed for the property known as the Old Eash School that houses the Area Agency on Aging which states that the property is being transferred from the County of Somerset to the Somerset County General Authority. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

It was noted that there was a right of reverter included when the County of Somerset acquired the property from the Township that states if this property would not be used for municipal or public purposes, it would revert back to Township ownership. The Authority will continue to operate this as a public building for Area Agency on Aging purposes.

FLOOR OPENED TO PUBLIC COMMENT:

None.

ANNOUNCEMENTS:

1. The Conemaugh Township High School will be awarding Honorary Diplomas for any veteran who could not graduate due to World War II. The Township Office has forms available for submission.
2. The next regularly scheduled Township meeting will be held on Wednesday, September 19, 2001 at 6:00 p.m.
3. Chairman Rouser announced that a new pavilion was to have arrived this week for Greenhouse Park, but he was informed today that it would be coming next week. In about two weeks there will be another pavilion ready to be used at Greenhouse Park.

ADJOURNMENT:

There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to adjourn the meeting at 6:52 p.m.

Submitted by,

Albert E. Zuccolotto, Secretary/Treasurer