

MINUTES OF REGULAR MEETING OF DECEMBER 19, 2001

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:00 p.m. on December 19, 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.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT ON AGENDA ITEMS:

1. Mr. George Hickey of Tire Hill Road asked what a “no lien letter fee” was. Solicitor Barbin explained that when an attorney or closing company is handling a property sale, they request a “no lien letter” from the Township and the Sewer Department. The Township charges a fee for this letter to cover paperwork involved.

MINUTES:

The minutes of the regular meeting were distributed. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to accept the minutes of the regular meeting of November 21, 2001. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to pay the bills for the month of December 2001 in the amount of \$14,393.02 for the General Fund, \$6,956.20 for the Liquid Fuels Fund, and \$2,966.93 for the Sewer Department. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

POLICE REPORT:

The police report submitted by Chief Louis Barclay for the month of November 2001 for Conemaugh Township and Benson Borough was read. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to accept the police reports for the month of November 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. Joe Stevens was scheduled to speak, but was not present at this time.

CORRESPONDENCE:

1. A letter of request was received from the Somerset County Commissioners for a donation to the Somerset County Federated Library System. There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to donate \$200.00 to the Somerset County Federated Library System. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

MINUTES OF DECEMBER 19, 2001 MEETING CONTINUED.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **FINAL ADOPTION OF 2002 BUDGET:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to approve the final 2002 Budget for Conemaugh Township which was on display for the last twenty days as follows: General Fund 01 - \$1,956,765; Street Light Fund 02- \$29,435; Fire Protection Fund 03 - \$53,690; Sewer Fund 08 - \$930,000; and Liquid Fuels Fund 35 - 273,326, and to place the budget on public display for 20 days before final adoption. Roll call vote: Mr. Zuccolotto - yes, Mr. Buncich - yes, and Mr. Rouser - yes. Motion carried unanimously.
2. **ORDINANCE NO. 641:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to adopt Ordinance No. 641 providing for the assessment, levy and collection of taxes for general revenue and other purposes, under the Local Tax Enabling Act and under the Second Class Township Code and local tax laws: \$5.00 per capita tax; ½% tax on earned income or net profits of residents and non-residents of the Township; ½% real estate transfer tax; 6 mills real property tax for general revenue purposes; street light tax of \$.33 per lineal foot on improved property within 250 feet of a street light, and \$.08 per lineal foot on undeveloped property within 250 feet of a street light; and ½ mill on property within 780 feet of a public fire hydrant. Roll call vote: Mr. Zuccolotto - yes, Mr. Buncich - yes, and Mr. Rouser - yes. Motion carried unanimously.
3. **RESOLUTION R04-01:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to adopt Resolution R04-01 authorizing the issuance of a Tax and Revenue Anticipation Note, dated January 3, 2002 and maturing December 31, 2002, in the amount of \$300,000 at a fixed interest rate of 3.19% from Cenwest Bank. Roll call vote: Mr. Zuccolotto - yes, Mr. Buncich - yes, and Mr. Rouser - yes. Motion carried unanimously.
4. **RESOLUTION R05-01:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to adopt Resolution R05-01 eliminating member contributions into the police pension fund for the year 2002, as the police pension fund is fully funded per the pension actuary. Roll call vote: Mr. Zuccolotto - yes, Mr. Buncich - yes, and Mr. Rouser - yes. Motion carried unanimously.
5. **2002 CDBG ENTITLEMENT APPLICATION:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, authorizing a Cooperation Agreement between the County of Somerset, the Township of Conemaugh, and the Redevelopment Authority of Somerset County for the filing of an application for financial assistance from the Pennsylvania Department of Community & Economic Development for the Community Development Block Grant Program for 2002. Roll call vote: Mr. Zuccolotto - yes, Mr. Buncich - yes, and Mr. Rouser - yes. Motion carried unanimously.
6. **RESOLUTION R06-01:** There was motion by Mr. Buncich, seconded by Mr. Zuccolotto, to adopt Resolution R06-01 authorizing the Redevelopment Authority of Somerset County to complete demolition and clearance of the property at 335 Tire Hill Road under the

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Township's 1999 CDBG program. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously. .

7. **UPPER YODER TWP. SNOW REMOVAL AGREEMENT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, authorizing the annual snow removal agreement with Upper Yoder Township for Route 315 "Coon Ridge Road", .618 of a mile, from November 1, 2001 through April 31, 2002 at a cost of \$1,300.00. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

8. **JAMES MAYER TRAIL COOPERATIVE AGREEMENT:** There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, authorizing a Cooperative Agreement between Conemaugh Township, Somerset County, and Cambria County Conservation & Recreation Authority for the James Mayer Riverwalk Trail Extension Project. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

9. **NO LIEN LETTER FEE:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, approving a fee of \$15.00 to be charged for a municipal no lien letter request, and \$15.00 for sewer no lien letter request. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

10. **ASSISTANT SECRETARY APPOINTMENT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to appoint Cindy Walerysiak to fill the vacancy of Michelle Enos as Assistant Secretary for Conemaugh Township Supervisors. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

11. **GREENHOUSE PARK ENGINEERING:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to table an engineering proposal from Paul C. Rizzo & Associates, Inc. in the amount of \$7,100.00 for completion of Phase I Design of the Greenhouse Park Plan until the Township received a document that was missing. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Rouser – yes. Motion carried unanimously.

12. **HIGHWAY OCCUPANCY LICENSE:** There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, approving a Highway Occupancy License for James E. and Marsha J. Carr to occupy a portion of the right-of-way on Regent Street, a Township Road, for an electric power supply line. Roll call vote: Mr. Buncich – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

FLOOR OPENED TO PUBLIC COMMENT:

Mr. Joe Stevens of 126 Stevens Lane, Hollsopple wished to discuss the following two items:

1. Mr. Stevens noted that according to the Somerset Daily American of December 7th, a petition was filed for a recount of Conemaugh Township's past election and that the petition was filed by Attorney William Gleason Barbin, who is also the Solicitor for Conemaugh Township. Mr. Stevens wanted to know if Attorney Barbin was acting in the role of Supervisor Solicitor. Solicitor Barbin indicated that he was privately hired in this case. His position was Solicitor for the Township is a part-time job.

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2. Mr. Stevens also wished to discuss the sewer issue at his property. He was requesting an on-site meeting with the Township Supervisors and Solicitor. He would like the Supervisors to admit that his survey of his property line is correct, and that a mistake was made by the Sewer Authority Engineer and Contractor in reference to the construction of this sewer line. Mr. Stevens further indicated that he wanted to be compensated for the illegally taken land, which the map shows no ground should have been taken from him. If not, he would like for the Supervisors to provide a legal opinion in case his neighbor would sue him for crossing over his property in order to make a new sewer tap, and that the Supervisors would defend him in court for making an illegal tap into the sewer right-of-way through Mr. Betz's property. Mr. Stevens felt that if the Supervisors did not resolve this matter, they would be setting a precedence that no one in the future would be required to have an easement to tap into the sewer line because this is what he has been permitted to do. He requested that the Supervisors make a motion to have at least one Supervisor meet with him, along with the Solicitor, to see if this can be resolved.

Mr. Zuccolotto answered Mr. Stevens by stating that the Supervisors have gone over this before with him, and that his sewer situation was done prior to the Township taking over the sewer authority. The Township must go by the Engineering firm's original survey and his complaint must be with the original surveyor, not the Supervisors. The Supervisors can ask for legal advice to see what they could do to legally assist Mr. Stevens. Mr. Zuccolotto indicated to Mr. Stevens that he was told to have a certified survey done on his property and if it came up to be different, then it would be between Neilan Engineers and the surveyors, and Mr. Stevens' surveyor. Mr. Stevens still has not had an actual survey done on his property. Mr. Zuccolotto noted that the survey Mr. Stevens had was not an accurate survey and would not hold up in court—he must get an accurate survey done. Mr. Zuccolotto asked Mr. Stevens if he did make the connection into the sewer when his trailer was installed. Mr. Stevens answered yes, but it was an illegal connection according to the Township's interpretation of the survey, and is the Township going to defend him if his neighbor sues him. Mr. Zuccolotto answered that, no, the Township would not be permitted to do that.

Solicitor Barbin explained to Mr. Stevens that whether he was right or wrong with the survey, he was past the statute of limitations of five years. He suggested that Mr. Stevens talk to an attorney who would tell him what the law is.

ANNOUNCEMENTS:

1. The reorganization meeting of the Supervisors will be held on Monday, January 7, 2002 at 6:00 p.m. with the regular Township meeting immediately following.
2. The Township Auditors reorganization meeting will be held on Tuesday, January 8, 2002 at 9:00 a.m.

ADJOURNMENT:

There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to adjourn the meeting at 6:30 p.m.

Submitted by,

Albert E. Zuccolotto, Secretary/Treasurer