

MINUTES OF REGULAR MEETING OF JULY 18, 2001

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:00 p.m. on July 18, 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 comments received.

MINUTES:

The minutes of the regular meeting and special meeting were distributed. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to approve the minutes of the regular meeting of June 20, 2001 and the special meeting of July 6, 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 July 2001 in the amount of \$11,117.11 for the General Fund, \$2,046.48 for Liquid Fuels, and \$3,324.74 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 June 2001 for the Conemaugh Township Police Department was read. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to accept the police report for the month of June 2001 for the Conemaugh Township Police Department. Roll call vote: Mr. Zuccolotto – yes; Mr. Buncich – yes; and Mr. Rouser – yes. Motion carried unanimously.

Mr. Rouser indicated that there was also a special police report concerning the monitoring of traffic on Krings Street. A resident requested this at the last meeting. As of this date, the Police Department has issued 27 traffic citations on Krings Street.

PERSONS SCHEDULED TO BE HEARD:

Mr. Ted Sendry of Indian Valley Estates, Nemaocolin Trail, was in to complain about the increased truck traffic on Route 403 going into the landfill. His fear is that the increased truck traffic 24 hours per day, seven days a week in all kinds of weather will cause a bad accident. He said the trucks have trouble making the turn off 403 without swinging out across the yellow line. Mr. Sendry stated that he had discussed this matter with Mr. Zuccolotto and also with individuals at the State level. He wishes that there would be a way to reroute these trucks. Mr. Zuccolotto indicated that the Township has been working for the past six months with Terry at the landfill, including the State, to see what can be done. Mr. Zuccolotto asked Terry to relate what the individual from the State had told him because it was different from what he had told Mr. Zuccolotto. Terry felt that the State was confused about the routes that were discussed. Terry had asked him specifically about the potential to have access to Route 219 directly. Since this is a limited access highway, there is not the ability to have ingress or egress to that

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highway. Terry was also told that the right-of-way along Route 219 is limited, no construction was allowed. The individual from the State had stated that he can come out as soon as this coming Monday to look at the roads and to give any suggestions.

Mr. Joe Stevens of Hollsopple had two requests. 1) Mr. Stevens had asked Chief Barclay if the Police Department had a written policy governing the use of information on computer files against an individual in Conemaugh Township, and what that permitted use was. He requested that the Supervisors get him an answer on this in writing.

2) Mr. Stevens stated that he had been at the last Supervisors meeting to discuss the problem he was having with a sewer line. He indicated that he had a surveyor make up a drawing of boundary lines of his property. He stated that the Township is well aware of the problem he was having getting a connection for his mother-in-law at her new residence. Mr. Stevens felt the problem was due to past mistakes by the Sewer Authority and past sewer construction. He was disturbed that he had paid for an easement for his mother-in-law's property as informed to do so by Mr. McCauliff of the Sewer Department, and as it turned out, the sewer line was directly over top of the right-of-way, therefore, the easement was not needed. Mr. Stevens wanted to know who was at fault for the construction of the sewer line the way it was and why his neighbor was paid for a construction right-of-way and he was not.

Solicitor Barbin indicated to Mr. Stevens that his neighbor was paid for damage done by the construction of the sewer line on his property; it had gone to court. Solicitor Barbin further stated that Mr. Stevens had been told that he had to show the Township some evidence as to where the sewer line was. Mr. Stevens has not shown any official drawings or specifications as to where the sewer line is on his property. The two drawings he has turned in do not show this. The Township has engineering drawings that say Mr. Stevens' property line is not on top of the sewer line, and the Township will not even consider saying its engineer is wrong, unless an legitimate authority tells the Township it is wrong. Mr. Stevens stated that his surveyor would testify in court, if necessary, that his property line sits on top of the sewer line.

Mr. Rouser wished to note for the record that this Board had nothing to do with this. It was inherited from the Sewer Authority. Mr. Zuccolotto reiterated that Mr. Stevens had been told to come up with a certified survey showing that the sewer line was on his property, and if it were shown to be on his property, then and only then would he have the right to ask for a refund of his money paid.

On a final note, Solicitor Barbin stated that he did not want to mislead Mr. Stevens into spending a lot of money he could not get back. The sewer line was installed in 1994; the five-year statute of limitations may apply. He advised Mr. Stevens to consult an attorney before wasting money on a real survey. Solicitor Barbin further indicated that the Township owed Mr. Stevens nothing and there is no proof that there is a problem, and even if he would have proof, it is probably past the statute of limitations.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

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NEW BUSINESS:

1. **MINOR SUBDIVISION.** Mr. Rouser stated that there was a minor subdivision plan to be approved for June C. Kaufman & Robert J. Leventry, applicants, and Donald W. Thomas, owner. The request is to create Parcel #3A containing approximately 0.166 acres (7,230.96 sq. ft.) as an expansion of existing Parcel #12-032-033-000. The property is located at the end of Simpson Street and is in an R-2 zoning district. On July 10, 2001, the Township Planning Commission approved this subdivision upon the condition that favorable comment be received from the Somerset County Planning Commission. Favorable comment was received from the Somerset County Planning Commission on July 12, 2001. There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to approve the minor subdivision plan for June C. Kaufman & Robert J. Leventry, applicants, and Donald W. Thomas, owner, as described above. Roll call vote: Mr. Buncich – yes; Mr. Zuccolotto – yes; and Mr. Rouser – yes. Motion carried unanimously.

2. **MINOR SUBDIVISION.** Mr. Rouser stated that there was a minor subdivision plan to be approved for Stephen J. & Tina R. Napotnik, applicants, and Ralph R. & Joyce H. Napotnik, owner. The request is to create Parcel No. 1, containing approximately 1.005 acres and currently undeveloped, from existing parent developed parcel containing approximately 37.65 acres. Both parcels front on Maple Springs Road and are in an R-2 zoning district. On July 10, 2001, the Township Planning Commission approved this subdivision upon the condition that favorable comment be received from the Somerset County Planning Commission. Favorable comment was received from the Somerset County Planning Commission on July 12, 2001. There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to approve the minor subdivision Stephen J. & Tina R. Napotnik, applicants, and Ralph R. & Joyce H. Napotnik, owner, as described above. Roll call vote: Mr. Buncich – yes; Mr. Zuccolotto – yes; and Mr. Rouser – yes. Motion carried unanimously.

3. **USE OF GREENHOUSE PARK.** Mr. Rouser stated that the A.B.A.T.E. of Cambria County, and Somerset County, were requesting the use of Greenhouse Park next year. Mr. Zuccolotto asked if this was cleared with the Recreation Commission. Mr. Marlowe, President of the Recreation Commission, is aware of this request. Solicitor Barbin indicated that when this is approved, it should be stated that approval is subject to the rules and regulations in force at the time. It was also noted that construction could be going on then. Mr. Zuccolotto made the recommendation that the Supervisors do not pass this request tonight and that A.B.A.T.E. should be asked if they would be willing to sign an agreement that in the event there was construction going on that would interfere with their operations, that they cannot come back on the Township. Solicitor Barbin will make up a list of these conditions in this matter. There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to table the request of A.B.A.T.E. of Cambria County to use Greenhouse Park on June 21, 2002, and the Somerset County A.B.A.T.E. on June 22, 2002, until more details are worked out. Roll call vote: Mr. Zuccolotto – yes; Mr. Buncich – yes; and Mr. Rouser – yes. Motion carried unanimously.

4. **FIREWORKS DISPLAY.** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to grant permission to Ron M. Wanko and Vernon Henry to shoot a fireworks display on September 15, 2001 on the property of Mr. Henry. Mr. Wanko to have \$1,000,000 of insurance coverage. Roll call vote: Mr. Zuccolotto – yes; Mr. Buncich – yes; and Mr. Rouser –

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Yes. Motion carried unanimously. Solicitor Barbin noted that a form should be made up for future use as far as a checklist for regulations to be followed while setting off fireworks.

ADDITIONAL COMMENTS:

It was noted that the Somerset County Library is trying to coordinate a date for a meeting between the Township Supervisors and their Board.

FLOOR OPENED TO PUBLIC COMMENTS:

Mr. Ed Naugle of Davidsville indicated that at the last meeting he had asked for an ordinance to be created regarding manure control. Solicitor Barbin stated that there were two drafts of an ordinance in this matter. Mr. Naugle showed pictures to the Supervisors of the manure spills in question. Solicitor Barbin noted that the ordinance will also deal with the farm vehicles blocking the roadway. There will be a graduated penalty offense attached to this ordinance.

ANNOUNCEMENTS:

The next regularly scheduled Township meeting will be held on Wednesday, August 15, 2001 at 6:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Buncich, seconded by Mr. Zuccolotto, to adjourn the meeting at 6:42 p.m. Motion carried.

Submitted by,

Albert E. Zuccolotto, Secretary/Treasurer