

## **MINUTES OF REGULAR MEETING OF AUGUST 20, 2003**

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:05p.m. on August 20, 2003 by Chairman Robert Rouser. Board members present were Robert Rouser, Chairman, Albert Zuccolotto, Secretary-Treasurer, and David Hart, Vice-Chairman. Solicitor William Barbin was present.

Pledge to the Flag.

### **FLOOR OPENED TO PUBLIC COMMENT ON AGENDA ITEMS:**

None.

### **MINUTES:**

The minutes of the regular meeting of July 16, 2003 were distributed. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to accept the minutes of the regular meeting of July 16, 2003. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

### **BILLS:**

There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to pay the bills for the month of August 2003 in the amount of \$6,519.92 for the General Fund, \$6,968.09 for the Liquid Fuels Fund, and \$14,408.49 for the Sewer Fund. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

### **POLICE REPORT:**

The police report as submitted by Acting Chief, Sgt. James McKnight for the month of July 2003 for Conemaugh Township and Benson Borough was read. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to accept the police report for the month of July 2003 for the Township and Benson Borough. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

### **PERSONS TO BE HEARD:**

**Frank Besyk** of Marisa Lane indicated that at the Supervisor's meeting of March 19, 2003 an issue was discussed concerning his dog kennel and the road right-of-way. Mr. Besyk stated that he had documentation that the Township issued a zoning permit for the construction of the dog-boarding kennel; the variance was granted November 17, 1994 and the permit was issued January 5, 1995. He also had a kennel license issued by the Pennsylvania Department of Agriculture that give them the right to operate the dog-boarding kennel. Mr. Besyk could not see where he was not in compliance with anything. He further stated that he had personally asked Leo Marisa if he had any objections with the dog kennel, and he had said no; but now Leo is saying that he does have objections. Mr. Besyk also wished to state that Neil Marisa knew the dog kennel was there prior to his purchase of the adjoining property, and he cannot see where Neil has a complaint either. Mr. Besyk also said he had a map of Conemaugh Township dated 1876, which showed this roadway identical to the way it exits today, therefore the right-

of-way has been established over 120 years. Mr. Besyk noted that he had a right-of-way agreement that was established in 1929, which goes through Neil Marisa's property.

Solicitor Barbin indicated that the bottom line was that Leo Marisa made a complaint, and Mr. Besyk wanted the public to know his side. Solicitor Barbin further stated that the Township took no action in this matter since it is between the Marisas and the Besyks – there may or may not be a private nuisance issue, but it is not the Township's business. At this point, Solicitor Barbin asked Mr. Besyk if he was requesting that the Township do anything. Mr. Besyk felt that the Township seems to take complaints from other people, but he was not making a complaint, he just wanted to tell his side of the story. He further stated that he had a continuance order from the Court of Common Pleas, Somerset County, dated August 7, 2001, which states that the parties are to maintain status quo in regards to this road way. Mr. Besyk indicated that the Marisas have violated this court order. Solicitor Barbin said he would tell Mr. Besyk the same thing he told Mr. Marisa, that they should be able to figure out a way to route a road so that all three families can live there comfortably and pleasantly.

Mr. Besyk also asked if a private individual was allowed use the Township equipment for personal reasons. Solicitor Barbin answered, no, and if Mr. Besyk had a complaint, the Supervisors would be happy to hear it; but it would be inappropriate to slander anyone at a Township meeting.

Mr. Hart reported that Rebecca Yancey had contacted him last evening regarding her daughter stepping into a storm sewer grate. Mr. Zuccolotto and Mr. Rouser stated that she had contacted them also and the grate was replaced this morning.

**CORRESPONDENCE:**

Mr. Zuccolotto read a letter received from Kenneth Fetsko thanking Officer Vince Zangaglia for his professionalism, courtesy, and understanding regarding a police matter.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

A minor subdivision plan for Robert McKool was removed from the Agenda at this time on the advice of Solicitor due to the lack of information.

**FLOOR OPENED TO PUBLIC COMMENT:**

**Elizabeth Marisa** of Tire Hill and Starvis Lane was in to complain about individual repairing cars along the curb on Starvis Lane as a business. The Township will look into this matter.

Mrs. Marisa also requested lowering the speed limit coming down Starvis Lane and Soap Hollow Road because of speeding – she was concerned about the children. She also requested a Watch Children sign. Mr. Rouser stated that the speed limit sign could be changed on Starvis Lane, and a Watch Children sign could be installed on Starvis Lane.

In order for the speed limit to be lowered on Soap Hollow Road, it must be requested through Penn Dot, since it is a State road.

Mr. Zuccolotto noted that this was a problem throughout the Township. Mrs. Marisa also complained about the flowerboxes at the VFW along Starvis Lane, which were dangerous. Mr. Zuccolotto stated that the Township's zoning officer will send a letter to the VFW indicating that these flowerboxes must be removed, and if they were not removed, the VFW would be fined.

Mrs. Marisa also noted that the Township road crew grading along Starvis Lane today were not using water to keep the dust down, and she was requesting that they do.

**Dorothy Sockovitch** of Soap Hollow Road had a complaint about her neighbor's hedges that needed cut (the Gindlesperger property), which had been reported to the Township in the past. The structure on this property is also a hazardous situation. Mr. Zuccolotto explained that it takes a process to get this problem rectified. Letters first have to be sent giving them thirty days to respond. If they comply, and then let things go again, the process starts all over. Solicitor Barbin noted that if the people do not comply within the thirty-day period, the Township has the right to take care of the matter themselves. Mrs. Sockovitch also asked what she could do about her neighbor's tree hanging over her property and dropping debris onto it. Solicitor Barbin stated that she had the right to cut any portion of the tree hanging onto her property, but he noted that the structure on her neighbor's property would be a nuisance since it is a safety hazard and that was for the Township to deal with.

**James Piscatella** of Soap Hollow Road reported that there was another dilapidated house located on Soap Hollow Road and Starvis Lane, which was sold for taxes. He stated that the owner had installed two new roofs on the structure, but they fell in and the walls were just hanging there—it has been that way for seven or eight years. This structure had also caught fire and Mr. Piscatella felt that the kids that go in there to drink might have started it. Mr. Zuccolotto asked Mr. Piscatella if he had ever turned this property into the Township before, and he answered, no. Mr. Zuccolotto stated that the zoning officer would send a letter to this property owner also.

At this point, there was a discussion on what to do with Mrs. Sockovitch's complaint on her neighbor's hedges. Solicitor Barbin stated that if the people did not comply after thirty days of written notice, then the Township could cut the hedges, and it would be permissible to place a lien on the property. He also noted that if the hedges are extending out onto Township right-of-way, the Township had the right to cut them without notice.

**Cathy Marisa** of Starvis Lane stated she also lives around these dilapidated properties and has sent letters in to the zoning officer complaining about them in the past, and in particular, the Shroyer property with the junk cars. Mrs. Marisa complained about Terry Shroyer on Starvis Lane and Walt Shroyer on Intihar Street with their junk. She stated that she would be building two houses on the property next to the Shroyer's and they are throwing junk onto her property, which she keeps asking them to remove.

**Bud Boshwack** of Soap Hollow Road stated that he lives next to the Stanton house, and asked if anyone has been there to look at that garage. He indicated that it was falling in and there was a bad stench, mold, and garbage in this building. Mr. Zuccolotto answered that he had been to this property and stated that if there were something the Township could do in this situation, they would do it, and then put a lien on the property. Mr. Boshwack asked what could be done to have all these structures torn down. Mr. Zuccolotto stated that it was a long process to get a structure condemned to be torn down. Solicitor Barbin noted that the Township could not just cease someone's property. It was also noted that in order to use the Township's Community Development Block Grant monies to tear down property, the area must qualify in the low to moderate-income level.

At this point, Mr. Zuccolotto asked if there was anyone present who would like to volunteer to serve as a committee person or contact person for the group in order to work on these problems. This person would be kept up-to-date on things and would receive copies of any correspondence, etc. Jamie Yancovitch volunteered to be the contact. The zoning officer will go out to take pictures to start the process.

**Mr. Plack** of Plack Lane wished to complain about sewage running onto his driveway and requested to talk with the three Supervisors and the Solicitor after the meeting about this situation.

**Ken Main** of Pine Crest was in to complain about his neighbor's barking dog, stating that the police have been there. Mr. Zuccolotto informed him that the Township's Animal Control Officer should be called to handle this situation. If a dog is barking for longer than five minutes, it is considered a nuisance and the Officer can do something about it. The Township does have a Dog Law Ordinance.

**William Tranovich** of Bethel Street complained that the police do not enforce the 25 mph speed limit in this area—they are never there. He stated that there are four-wheelers riding on this street and the Chief of Police told him that there was nothing he could do without names. Mr. Tranovich was asked if he could supply names and would he be willing to testify. Mr. Tranovich stated he would. Solicitor Barbin stated that a complaint could be filed on information received, if it were signed.

**Rebecca Yancey** of Jerome reported that yesterday her eleven-year old daughter fell into a storm sewer grate, which was in terrible disrepair until this morning when a new grate was installed. Mr. Zuccolotto stated that the grate was replaced because of her call. Mrs. Yancey submitted to the Township a doctor visit bill and said she also anticipates an x-ray bill and a radiology bill. She thanked the Township for acting on the grate so quickly, but said she would appreciate it if Jerome could be checked out a little better, and the Township should look at this intersection in question to see how dangerous it is. Mr. Zuccolotto indicated that the Township is in the process of replacing grates. He stated that he looked at the grate her daughter fell through and it appeared that a truck ran over it, breaking it, which could happen to the new grate overnight. Mr. Zuccolotto said that the Township stays on top of this as much as possible.

**James Piscitella** of Soap Hollow Road wished to discuss the water problem on Soap Hollow Road and Intihar Street. He stated that the State installed a pipe because he was getting water on his property. The Township also installed a grate going up Intihar on the left side, and every time it rains he has to unclog the grate so the debris and water does not run into his yard. Mr. Piscitella asked if this could be taken care of in some way. Mr. Rouser stated that the left side needs to be graded and blacktopped, indicating that the grader would be in that area soon.

**ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, September 17, 2003 at 6:00 p.m.

**ADJOURNMENT:**

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adjourn the meeting at 6:47 p.m.

Submitted by,

**(signed) Albert E. Zuccolotto, Secretary-Treasurer**