

## MINUTES OF REGULAR MEETING OF DECEMBER 17, 2003

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:00 p.m. on December 17, 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:

**Bob Miller** of Thomas Mills wished to question the Street Light Tax. He wanted to know how the Supervisors could justify the need for this type of tax. Chairman Rouser stated that this tax has been in effect since before he came on as Supervisor. Mr. Miller wanted to know why the Township needed this tax. Chairman Rouser stated that the Street Light Tax goes toward paying for the street light that is located in the area in which the resident paying the tax lives. He further explained that this money is used specifically to pay the street light bills and is deposited directly into a special Street Light Fund. Chairman Rouser noted that the Street Light Fund currently had a surplus that must remain in that Fund and cannot be transferred into the General Fund.

Mr. Zuccolotto stated that whenever someone requests that a new street light be installed, a petition is required to be signed by everyone residing in the vicinity of this new light to show that they agree with the installation and to pay the tax. Mr. Miller indicated that he was never asked to sign a petition. Mr. Zuccolotto noted that perhaps Mr. Miller was not living in that area at the time the street light was installed. He suggested that Mr. Miller come to the Township office after January 5<sup>th</sup> and make a suggestion to have this tax changed. Mr. Miller wanted to know why it should be passed now. Mr. Zuccolotto answered that he believed the tax was fine and "you don't fix what's not broke".

### MINUTES:

The minutes of the regular meeting of November 19, 2003 were distributed. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to accept the minutes of the regular meeting of November 19, 2003. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – 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 December 2003 in the amount of \$19,647.69 for the General Fund, \$1,723.27 for the Liquid Fuels Fund, and \$517.44 for the Sewer Fund. Under Question, Mr. Hart asked about the bill from B. J. Maurer for axles on a cruiser. He wanted to know if this should have been under warranty. Mr. Zuccolotto answered, no. Mr. Hart also asked about the bill for the transmission in the Ford Explorer. Mr. Zuccolotto answered that the vehicle was taken to Budget Transmission because JATS wanted \$1,500 to repair it and Budget charged \$1,200 and Budget was able to have this police vehicle back in service

within a day or two later. 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 November 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 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:**

None.

**CORRESPONDENCE:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. **2004 FINAL BUDGET:** Solicitor Barbin wished to state for the record that Mr. Hart had asked him that if he would vote yes to approve the budget, would that limit his right to open the budget in January with the new Board. The answer is that it does not.

Mr. Zuccolotto stated that the budget has the new full-time officers in it, along with paving, etc. and if everything is spent that is in the budget; there would still be a surplus of \$227,159 at the end of the year, unless it would be spent somewhere else. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adopt the 2004 Budget, as displayed, for Conemaugh Township as follows: General Fund 01 - \$2,365,368; Street Light Fund 02 - \$30,143; Fire Protection Fund 03 - \$69,044; Sewer Fund 08 -\$992,000; and Liquid Fuels Fund 35 - \$311,656. There will be no tax increase for 2004. (Real Estate Tax remains at 6 mills.) Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

2. **ORDINANCE NO. 651:** There was motion by Mr. Hart, seconded by Mr. Zuccolotto, to adopt Ordinance No. 651 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. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

3. **RESOLUTION NO. R06-03:** Solicitor Barbin explained that all sewer or water organizations have a problem to some degree where tenants move in, pay a few bills, skip a month or two and then leave the property; the landlord gets mad and says that it is not their fault that the tenants did not pay. Solicitor Barbin stated that the law allows the Township to put liens on the landlord, but this ends up in unpleasant situations. The Township has the right to require the landlord to obtain the sewer service and put it in their own name, and then it would be the landlord's problem to deal with the renters on the matter of paying the sewer bills. Solicitor Barbin further noted that if a tenant stops paying the water bill, the water cannot be shut off since there are not separate shut offs for apartment buildings. It was indicated that this Resolution would not go into effect until April 1, 2004. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to adopt Resolution No. R06-03 amending the Rules of the Conemaugh Township Sewer Department to require that sewer service be provided only in the name of and upon application of the owners of the property, and authorizing the Sewer Department to prepare and issue bills for sewer service to all existing customers in the name of the owners of the property... Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

4. **RESOLUTION NO. R07-03:** Solicitor Barbin stated that every year the Pension auditor informs the Township whether or not member contributions can be eliminated for the Police Pension Plan with the plan remaining solvent. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to adopt Resolution No. R07-03 eliminating member contributions to the Conemaugh Township Police Pension Plan for 2004. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

5. **RESOLUTION NO. R08-03:** Solicitor Barbin explained that this resolution is resulting from a matter that occurred from 1996 to 1997 when a subdivision within Indian Valley Estates was closed out, and the papers were signed that the Township accepted all improvements, but apparently the road was not formally taken over by the Township. This resolution needs to be passed and filed with the State and local courts which would transfer this property off Mr. Repko's tax rolls, since currently he is paying taxes on the road. Solicitor Barbin noted that this is an existing road that the Township maintains and uses. Mr. Zuccolotto added that the Township would then be permitted to receive Liquid Fuels monies for this road. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adopt Resolution No. R08-03 accepting the dedication of the final portion of Seneca Trail in the Indian Valley Estates. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

6. **AMENDMENT TO STONYCREEK WHITEWATER PARK ENGINEERING AGREEMENT:** Solicitor Barbin stated that he has reviewed this agreement and it is okay to approve; all the work has been submitted. This amendment changes the payment date, and there is no fee increase. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve amendment #3 to the Stonycreek Whitewater Park Engineering Agreement dated November 20, 2002 with the EADS

Group which amends the Agreement to state “Following submission of the LORM, the Engineer will invoice the Township \$6,500. If the LOMR and the DEP Joint Permit are both approved, then payment of the balance not to exceed \$6,096.05, plus excluded expenses, will be due within 30 days of approval.” Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

7. **AMENDMENT TO POLICE SCHEDULING POLICY:** Mr. Zuccolotto stated that the police requested this amendment; they met, voted on it, and approved it. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to amend the Police Scheduling Policy, Section II - Definitions, by adding the following line under Shifts: “A swing car covering the time period of 11:00 AM to 7:00 PM will be staffed by full-time officers only, if available.” Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – no, and Mr. Rouser – yes. Motion carried, two yes, one no.

8. **PROBATIONARY PERIOD FOR NEW POLICE OFFICERS:** There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to waive the probationary period for the newly hired police officers, Mike Popma, Angelo DiRosa, Dan Gonos, and John Todaro, due to their past employment with the Township as part-time officers, and their level of experience. Under Question, Mr. Hart stated that he did not see where it was common procedure to waive the probationary period since these officers were full-time now. He felt they should still go through their probationary period. Mr. Zuccolotto noted to Mr. Hart that he had a vote. Chairman Rouser stated that these officers had already gone through a probationary period when they began as part-timers. Mr. Hart indicated that these officers come and go as it has been seen in the past. Mr. Zuccolotto stated that the Township would not have hired them if they were not seen as outstanding officers, and it was also recommended by the Acting Chief. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – no, and Mr. Rouser – yes. Motion carried, two yes, one no.

9. **AMENDMENTS TO POLICE CONTRACT:** Mr. Rouser explained that between 2001 to present any amendments that were made to the Police Contract would be inserted into the contract. Mr. Zuccolotto stated that these were amendments that were approved in the past years and were added on to the contract at the end on separate sheets. He stated that it was suggested by the police that rather than having all the leaflets at the end of the contract, the Solicitor should put them all directly into the contract. This has been done and the police have voted on it and have accepted it as being exactly the way the amendments had been. Solicitor Barbin noted that there had been confusion among the police by the way they were reading the contract, some were reading the body of the contract, and others were reading the amendments. He further noted that Article 34, The Lay Off Clause, was written in with conjunction of the Acting Chief, himself, and the officers and it was voted upon and accepted. There was a motion by Mr. Zuccolotto, seconded by Mr. Rouser, to approve comprehensive amendments to the 2001 – 2005 Conemaugh Township Police Contract. Roll call vote: Mr. Zuccolotto – yes, Mr. Rouser – yes, and Mr. Hart - no. Motion carried, two yes, one no.

10. **REQUEST FOR ADDITIONAL ENGINEERING PROPOSALS:** Solicitor Barbin stated that this request comes by the recommendation of the manager of the Sewer

Department. The Township had received an engineering proposal on a time and material basis for construction inspection services from Paul C. Rizzo for the Tire Hill Sewer System Project, but would like to receive two more quotes. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to request additional engineering proposals for construction inspection services for the Tire Hill Sewer System Project. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

11. **RECORD EASEMENT PLATS:** Solicitor Barbin explained that the engineer has been designing the sewer system and the sewer plant for the Tire Hill Sewer System, which have been reviewed by DEP, and the Township is waiting for final approval. The locations of the sewer lines have been finalized within the last month and a half, and some changes were made for wet lands. The Township wants to record these easement plats all at once instead of individually since each sheet contains 5 to 6 properties, and then all the maps of the Township's sewer system would be at a central location at the recorder's office. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto to record easement plats prepared by Paul C. Rizzo, Associates for construction of Tire Hill Sewer System. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

12. **REBID ELECTRICAL CONTRACT:** Solicitor Barbin stated that the Township had received bids for the Tire Hill Wastewater Treatment Plant, but they were one million dollars more than there was money for. PENNVEST has indicated that they would entertain a request for more money, which would be presented at their March meeting. This would be a longer period of time than the Township has to accept the bids received. Solicitor Barbin further stated that all the contractors, except for the electrical contractor, have agreed in writing to extend their bids until June 1, 2004; therefore the electrical contract needs to be rebid. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to authorize the re-bidding of the electrical contract for construction of the Tire Hill Wastewater Treatment Plant. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

13. **MINOR SUBDIVISION RE-SUBMISSION:** Solicitor Barbin explained that there was a small piece of this person's driveway on the neighbor's property and they are going to sell .07 acres with the driveway on the property it serves. This subdivision re-submission was approved by the Conemaugh Township Planning Commission on 12/15.03. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to approve the proposed minor subdivision re-submission by Richard A. Louder, applicant and property owner of parcel 12-077-047-01, to create a 0.07 acre parcel containing an existing driveway serving parcel 12-077-047-00 to be conveyed to and merged with parcel 12-077-047-00, contingent upon receipt of favorable comment from the Somerset County Planning Commission. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

14. **MINOR SUBDIVISION SUBMISSION:** Solicitor Barbin indicated that this subdivision meets all the rules. It was approved by the Conemaugh Township Planning

Commission on 12/15/03. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to approve the proposed minor subdivision submission by Joseph W. & Verna M. Stevens, property owners and applicants, to create Lot #1 containing approximately 1.133 acres out of parcel 12-009-063-00, which has an existing dwelling, garage, and shed thereon, and is currently accessed through the existing "Sharing & Caring" parking lot; however, a separate 20' right-of-way is reserved through the residue parcel, if required, and the residue of parcel 12-009-063-00 would become approximately 4.743 acres, contingent upon receipt of favorable comment from the Somerset County Planning Commission. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

It was noted at this time that the minor subdivision re-submission request by the Turners would be presented at the next Board meeting because there was not enough information available in this matter.

### **FLOOR OPENED TO PUBLIC COMMENT:**

**Bob Miller** of Thomas Mills indicated that it had been stated earlier not to fix what was not broken – he felt that the water authority was broken. Mr. Miller stated that the Supervisors needed to actively seek the resignation of all the members of the water authority board and start anew.

Mr. Miller further noted that he pays for seven properties in the Township, and he felt it was time for the Township's sewer department to work for the entire Township, not just the areas where it was decided to install sewer lines. Mr. Miller stated that he lived in a part of the Township that has no sewers, and he asked if there was going to be sewer service in his area in the near future – the Township is spending his tax dollars for sewers in other parts of the Township. He stated that his daughter is building a house in the Township which she has to get a perk test for, etc. and he felt that the sewer department should be doing this for her, just as it installs sewer systems in other parts of the Township.

Mr. Miller stated that he called the Township office this afternoon and asked to be put on the agenda for tonight's meeting. He felt that the girls in the office did not know the procedures for the agenda and felt that they should be told how this takes place.

Mr. Miller also noted that there was a 3 foot ditch that is washed out along the road by his residence. He stated that the road masters need to leave the building and ride the roads of the Township to find out what is wrong and to find out if things are fixed properly. Mr. Miller stated that the Township attempted to fix this problem, but it still exists. Chairman Rouser asked Mr. Miller if he had called the Township office to make a complaint on this so that the road crew would be aware of the problem. He stated that if the problem is not reported and the resident is aware of the problem, then that resident would be just as liable for not reporting it. Mr. Rouser stated that someone would take care of this problem next year.

Mr. Miller stated that he has not been involved in the Township in the past because he has worked out of town, but now he is going to become involved, and he is going to be a thorn in the three supervisors' sides until the Township straightens out.

**Virgil Good** had questions involving Resolution R06-03. Solicitor Barbin explained that this Resolution would go into effect April 1, 2004; with some notification to the landlords from the Sewer Department, the sewer bills for the rental accounts would be in the landlords' name, and the bill would go to the landlord. Solicitor Barbin stated if the landlord wanted to send the bill on to the tenant to be paid, that would be fine, but as far as the Township was concerned, the bill is going to the owner of the property. Mr. Good disagreed with this, asking why the landlord should get the bill since the renters knew they were supposed to pay. Solicitor Barbin stated that it was really unfair that the landlord collects rent on a rental property, and neighbors who own their property and pay their sewer bills get stuck making up the bill for the landlords' tenants who skip out on their amounts. Mr. Good felt that the renters could not skip out because the landlord had to pay if the renters do not pay. Solicitor Barbin noted that the landlords mostly do not pay; they complain and argue, and they give the Township property that does not have a shut off on them. The Township has fought with landlords numerous years over this issue. Mr. Good stated that he had been a landlord for 20 years and has never had a problem like this. Solicitor Barbin stated that the landlord can tell the tenants they have to pay rent and sewage, and the landlord would give them the sewer bill, and if they do not pay it, then the landlord would know if the renters do not pay.

Bob Miller wished to state at this time that he could not even get the Sewer Department to put the right address on the bill. Solicitor Barbin informed Mr. Miller if he honestly had a problem with an address on a bill, to inform the sewer department manager who was present at this meeting, and he was willing to guarantee that next month the address would be right. Mr. Miller stated that this Resolution punishes all landlords for the sake of a few.

**Joe Stevens** of Hollsopple stated that the motion passed on the subdivision of Joe & Verna Stevens indicated that it was passed contingent upon receipt of favorable comment from the Somerset County Planning Commission. He wanted to know if a letter would be received on this. Solicitor Barbin stated that the Somerset County Planning Commission had 45 days from the time the subdivision was submitted to them to make comment. The understanding is that the Township has not received a letter back on this subdivision yet. Solicitor Barbin noted that 99.9% of the time favorable comment is received, and there was nothing he saw in this subdivision that would present a problem. Mr. Steven stated then he could not proceed with any closing until that letter is received. Solicitor Barbin answered, yes, or after 45 days passes. The law stated if a response is not been received within 45 days, the Township can assume it is favorable.

#### **ANNOUNCEMENTS:**

1. The Supervisors reorganization meeting will be held on January 5, 2003 at 6:30 p.m. with the regular meeting to immediately follow.

**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**