

MINUTES OF REGULAR MEETING OF APRIL 16, 2003

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:00 p.m. on April 16, 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 absent. Filling in for Solicitor Barbin was Solicitor Andy Gleason.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT ON AGENDA ITEMS:

None.

MINUTES:

The minutes of the regular meeting of March 19, 2003 were distributed. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to accept the minutes of the regular meeting of March 19, 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 April 2003 in the amount of \$9,191.38 for the General Fund, \$3,418.03 for the Liquid Fuels Fund, and \$81,792.02 for the Sewer Department. Roll call vote: Mr. Hart– yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

POLICE REPORT:

This month the police report was submitted by Acting Chief Sgt. James McKnight. The police report as submitted for the month of March 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 March 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:

1. A letter was received from the Jerome Memorial Day Committee requesting a donation to cover expenses for their Jerome Memorial Day Services to be held on May 26, 2003. Last year the Township donated \$350.00 to this Committee, and \$350.00 was budgeted this year. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to donate \$350.00 to the Jerome Memorial Day Committee for their Memorial Day Services on May 26, 2003. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

2. A letter was received from the Conemaugh Township Area Historical Society requesting a donation. Last year the Township donated \$1,000 to the Society, and \$1,000.00 was budgeted

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this year. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to donate \$1,000.00 to the Conemaugh Township Area Historical Society. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **2003 ROAD & PETROLEUM BIDS:** Chairman Rouser stated that the 2003 Road and Petroleum Bids were open today. The results are as follows:

Petroleum Products (unleaded gasoline, diesel fuel, heating oil):

Luther P. Miller Rack price plus .17/gal.

Satterlee & Sons Rack price plus .0875/gal.

Satterlee & Sons was low bidder, but since they are located in Rochester Mills, they must be asked if they would be able to make timely deliveries to this area.

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to award the bid for Petroleum Products to Satterlee & Sons of Rochester Mills at .0875/gal. over the Rack price, contingent upon the fact that they would be able to deliver upon the Township's demand. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

Road Paving/Sealing Materials (FOB at Plant):

Bids were received from New Enterprise (NE), HRI, Inc., and Quaker Sales (QS) as follows:

ID-2 WC or 9.5 mm	NE – 29.75/ton	HRI – 31.75/ton	QS – 31.75/ton
ID-3 WC or 19 mm	NE – 29.00/ton	HRI – 29.50/ton	QS – 30.25/ton
ID-2 Binder or 19 mm	NE – 28.50/ton	HRI – 27.50/ton	QS – 28.25/ton
BC-BC Base or 25 mm	NE – 26.00/ton	HRI – 25.75/ton	QS – 27.00/ton

Hot Asphalt Material (Delivered to Job Site): 25 mile radius of Township:

New Enterprise – Cost of materials as bid above plus \$47/hr. per truck.

HRI, Inc. – Cost of materials as bid above plus \$50/hr. per truck.

Chairman Rouser recommended that New Enterprise be awarded the bid for Road Paving/Sealing Materials (FOB at Plant) because they are closer than HRI to travel to for pickup of the materials and are overall low bidder. New Enterprise was also low bidder for Hot Asphalt Material delivered to job site.

There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to award the bid for Road Paving/Sealing Materials (FOB at Plant) and Hot Asphalt Materials (delivered to job site) to New Enterprise Stone & Lime as bid. Roll call vote: Mr. Hart – yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

Road Materials (Delivered):

Bids were received from New Enterprise (NE), and Homer R. Sleek & Sons (SL) as follows:

1B Limestone (or) Anti-Skid Limestone Equivalent	NE – 11.10/ton	SL – 10.50/ton
Type 2 Slag – Anti-Skid	NE - No Bid	SL - 8.75/ton
2B Stone	NE - 8.75/ton	SL - 10.50/ton
2A Stone	NE - 8.05/ton	SL - 9.25/ton

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2RC Stone	NE - 7.40/ton	SL - 7.50/ton
#4 Stone	NE - 10.85/ton	SL - 10.75/ton
Milling Material	NE - No Bid	SL - 12.00/ton
ASSHTO #10 Dust	NE - 10.85/ton	SL - 9.25/ton
Road Salt	NE - No Bid	SL - 49.50/ton

Chairman Rouser noted that the prices bid by New Enterprise for the stone is out of Boswell, which is Commonwealth Stone; Commonwealth Stone supplies sandstone, not limestone, unless they have limestone stockpiled somewhere. He further indicated that the prices bid by Homer R. Sleek for the stone is out of Latrobe and it is limestone. The Township bid specifications are for limestone only. Chairman Rouser recommended that the bid be awarded to the lowest bidder, but if the prices were dealing with sandstone, they would not be accepted.

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to award the bid for Road Materials (delivered) to the low bidders as read, (*Homer R. Sleek & Sons was low bidder on all items but 2B, 2A, 2RC Stone; New Enterprise was low bidder on 2B, 2A, 2RC Stone*), contingent upon the fact that New Enterprise must be able to supply the Township with limestone, not sandstone, at the price that was bid for stone or they will not be awarded the bid for 2B, 2A, and 2RC Stone - the bid for that stone would then go to Homer R. Sleek & Sons. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

Cold Patch (FOB at Plant):

New Enterprise	35.00/ton
Quaker Sales	34.50/ton

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to award the bid for Cold Patch (FOB at plant) to Quaker Sales at \$34.50/ton. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

2. AMENDMENT TO ENGINEERING AGREEMENT FOR WHITEWATER PARK: Chairman Rouser stated that the figures from the original study of the Stonycreek River are outdated, and there is now an island in the river, therefore the water levels are different and another study must be done or the project can go no further. This study will put the project back 3-6 months. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve Amendment #2 to the Engineering Agreement, dated November 20, 2002, for the Stonycreek Whitewater Park with The EADS Group, increasing the Agreement by \$5,000, bringing the total Agreement cost to \$15,000. Under questions, Mr. Hart asked if this was reimbursable money to the Township. Mr. Zuccolotto answered that if the project is approved, and the project does look favorable, the Township will receive this money back. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

3. RESOLUTION R02-03: Mr. Zuccolotto explained that this is a routine resolution that is adopted every two years to make certain that the Emergency Operations Plan conforms with the requirements of the Somerset County Operations Guidelines. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adopt Resolution R02-03, which approves, adopts, and places into immediate effect the Emergency Operations Plan of Conemaugh Township. Roll call vote: Mr. Zuccolotto – yes, Mr. Rouser – yes, and Mr. Hart – yes. Motion carried unanimously.

4. RESIGNATION OF PART-TIME POLICE OFFICER: There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to accept the resignation of part-time police officer, Clint

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Divido, from the Conemaugh Township Police Department, effective April 10, 2003. Roll call vote: Mr. Zuccolotto– yes, Mr. Rouser – yes, and Mr. Hart – yes. Motion carried unanimously.

5. **LAND DEVELOPMENT PLAN:** This land development plan was conditionally approved at the Conemaugh Township Planning Commission’s special meeting of March 25, 2003, and the Commission recommends the Supervisor’s conditional approval. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve the land development plan for the Conemaugh Township Volunteer Fire Department’s activity hall addition of 6,000 square feet upon the condition that the storm water management facilities will not be required until such time as the Fire Department undertakes to expand the current graveled area of the parking lot or to place additional paving in the parking area, at which time storm water facilities planning must be submitted to the Planning Commission for approval and recommendation prior to commencement of any work. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

6. **MINOR SUBDIVISION:** This plan was approved and recommended for the Supervisor’s approval at the Conemaugh Township Planning Commission’s special meeting of March 25, 2003. Somerset County has also reviewed the plan and offered no comment. There as a motion by Mr. Zuccolotto to approve the plan to re-align the property boundary between the lands of First Summit Bank, Owner, and Michael Jurestovsky, Applicant and Owner, both situate on Franklin Street as shown on the plan, contingent upon the removal of the County Line as shown incorrectly on the plan. Chairman Rouser indicated that the reason the Supervisors were asking for the removal of the County line as shown on this plan was due to the fact that the Township recently had a survey done showing where the County line was and it was proven that the County line was not located where it was shown on this plan. Mr. Hart wanted to know how the Supervisors could just remove the line. Mr. Zuccolotto explained that the plan was brought to the Zoning Officer and he was asked about the location of the County line; therefore, the Township had a survey done, which proved that the County line was not located correctly on the plan. Mr. Hart noted that the way the line is shown on the plan puts Mr. Zuccolotto’s residence in Upper Yoder. Mr. Zuccolotto agreed, but stated that the line was not located as shown on the plan. Mr. Hart asked if the Township could get another map showing that, indicating that he was concerned that the Supervisors were just going to remove the line. Mr. Zuccolotto informed Mr. Hart that the Township did receive a map when the survey was completed. Mr. Hart reiterated that he was concerned that the mylars have the correct line shown on them. At this time, Mr. Zuccolotto rescinded his motion.

There was a motion by Mr. Zuccolotto, seconded by Mr. Rouser, not to approve the plan to re-align the property boundary between the lands of First Summit Bank, Owner, and Michael Jurestovsky, Applicant and Owner, both situate on Franklin Street as shown on the plan, until the County line is removed. Under comments, Mr. Hart stated that he wanted the County line to be shown correctly on the mylars and resubmitted for approval. Mr. Zuccolotto noted that the survey clearly shows that his residence is located within Somerset County. Roll call vote: Mr. Zuccolotto– yes, Mr. Rouser – yes, and Mr. Hart – no. Motion carried, one no.

7. **WHITEWATER TRAIL FEASIBILITY STUDY:** There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to advertise for request for proposals to perform a feasibility study for the Whitewater Trail. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

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8. **SEWAGE FACILITIES PLANNING – BETHCO UTILITY UPGRADE:** Russ McCauliff, Sewage Department Manager, explained that the request from the developer is to construct approximately 13,000 feet of sanitary sewer and three pump stations. The current status of the project is that the Township has approved the planning components and has submitted them to DEP. Approval from DEP has not been received as yet on the planning components. There has been a request for additional information from DEP. The Township's rules and regulations do not allow the issuance of a tap connection permit for the sewer lateral. This project is private until such time the Township receives DEP approval. Mr. McCauliff further stated that there has been a request from the developer to construct sewage facilities on Cambria-Somerset Authority property prior to DEP approval. He indicated that legal advice is needed in this matter – this was an unusual situation. The developer was present tonight if there were any questions.

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to give approval for the Township Solicitor to research legal issues involving the request for sewage facilities construction (Cambria Somerset Authority Sewage Facilities Planning – Bethco Utility Upgrade) prior to DEP planning approval, and to submit a written opinion to the Cambria Somerset Authority, Summer's Best Two Weeks, Jenner Township Supervisors, and the Conemaugh Township Supervisors. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

9. **TIRE HILL SEWER SYSTEM PROJECT – REQUESTS FOR SUBDIVISION PLANNING AND HOLDING TANK PERMITS:** Russ McCauliff, Sewer Department Manager, explained that the property owners in the areas to be served by the Tire Hill Sewer System are requesting approval to submit applications for both the use of interim holding tanks and for land subdivision planning to the Supervisors. DEP would accept and review the plans for the use of holding tanks, since the Township has received PENNVEST funding commitment. DEP approval of the planning modules would be based on an approved time schedule for the completion of the Tire Hill Sewer System within a two-year period. Mr. McCauliff recommended that the Supervisors discuss this matter with the Solicitor and advise the Sewer Department and Zoning Officer as to when the Township should accept applications for the use of holding tanks or for land subdivision planning.

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to give approval for the Township Solicitor to research the issues involving requests for use of holding tanks and land subdivision planning prior to PENNVEST closing for the Tire Hill Sewer System, and to submit opinion as to when the Township can accept the sewage facility or land subdivision applications. Under Comments, Chairman Rouser noted that the Supervisors want to make sure that the project will go through until any permits are issued because if someone were to build a home and put in a holding tank, and if the project would not go through, then that individual would be stuck with the holding tank, which would be costly. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

FLOOR OPENED TO PUBLIC COMMENT:

Mr. Jim Walsh of Summer's Best Two Weeks wished to address the Supervisors at this time. He stated that the sewer project is a major obstacle to them right now; they have been trying to get it finalized for approximately two years. Mr. Walsh indicated that the Camp is about 95%

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full with registrations and the original Camp is full. Mr. Walsh said that the question for tonight is that if they would proceed with construction of the pipe line before approval is received from DEP, at their own risk, would the Supervisors be willing, after DEP does give them approval, to give them the privilege of tapping into the sewer system. Mr. Walsh indicated that if they would proceed to construct the line, it would be on property that they have easements for. He stated that if they did not proceed with construction, they would not be open this summer. He further stated that if they did proceed to construct this line, they would not be able to complete it before a permit is, or is not, issued, but they needed to start construction now. If they would do this, Mr. Walsh understood that the line would need to be certified by Rizzo Engineers, who is currently updating the drawings to show that the line would not be proceeding along the Township road. This would reduce costs, and the line could also be used for a hiking trail. Mr. Walsh wanted to stress that the construction of the line would be totally at their risk, and if DEP rejects the system, then it would be their problem and liability, not the Township's. Mr. Walsh asked if the Supervisors would be willing to say yes to this.

Mr. Zuccolotto stated that the Supervisors should let the Solicitor advise the Township on what to do in this matter since they were advised to do it that way. He also stated that he was told that one of the concerns is the inspection of the line to where it would tap into the sewer system, to be sure that the line was installed according to specifications. Even though Summer's Best Two Weeks would own the line, it would be tapped into the Township's plant.

Mr. Walsh indicated that Rizzo Engineers were willing to hire someone to inspect the line on their behalf, and to certify the line to the Township that it has been correctly installed. Mr. Walsh also noted that there was still the possibility that the Cambria-Somerset Authority might say no to this construction.

Mr. Zuccolotto recommended that the Board wait until an answer is received from the Solicitor, and if he says there is no risk, then Mr. Walsh can proceed with what he has requested to do. He asked Mr. Walsh if they could wait until the next Board meeting. Mr. Walsh replied that they could. Mr. Zuccolotto stated that if the Solicitor gives a favorable recommendation, the Supervisors would be willing hold a Special Meeting to approve the construction of the line, noting that the Supervisors are not here to give anyone a hard time, but they are also not here to go against the wishes of the Solicitor.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, May 21, 2003 at 6:00 p.m.

ADJOURNMENT:

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

Submitted by,

Albert E. Zuccolotto, Secretary/Treasurer