

MINUTES OF REGULAR MEETING OF APRIL 14, 2004

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on April 14, 2004 by Chairman Calvin Gindlesperger. Board members present were Calvin Gindlesperger, Chairman, David Hart, Secretary-Treasurer, and Robert Rouser, Vice-Chairman. Solicitor James Beener was present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT ON AGENDA ITEMS:

None.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Rouser, to accept the minutes of the regular meeting of March 17, 2004. Roll call vote: Mr. Hart – yes, Mr. Rouser – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Hart, seconded by Mr. Rouser, to pay the bills for the month of April 2004 in the amount of \$4,947.34 for the General Fund, and \$15,203.46 for the Liquid Fuels Fund, and \$8,203.74 for the Sewer Fund. Roll call vote: Mr. Hart – yes, Mr. Rouser – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

POLICE REPORT:

The police report as submitted by Chief Louis Barclay for the month of March 2004 for Conemaugh Township and Benson Borough was read. There was a motion by Mr. Rouser, seconded by Mr. Hart, to accept the police report for the month of March 2004 for the Township and Benson Borough. Roll call vote: Mr. Rouser – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

Ken Kozak was the first person scheduled on the agenda, but was not present at this time.

Shawn Adams, Fire Chief of the Conemaugh Township Volunteer Fire Company, stated that there was the need to keep the interest of new and present volunteers for the fire companies. Mr. Adams read a statement saying that everyone needed to work together in order to support the volunteers that give their time and risk their lives for the safety of Township residents. Mr. Adams suggested that perhaps the volunteers could be given a break on their real estate taxes, or garbage, water, and sewage bills, or rentals at Greenhouse Park. He said it could be something small to show appreciation to them as volunteers. Mr. Adams asked for the Township's help in starting an incentive program for all the Township fire companies' volunteers, which would benefit the Township as a whole.

Mr. Adams also asked the Supervisors what the Township's intentions were with the property below the municipal building. Mr. Hart stated there were no plans for this property. Mr. Adams requested that it be leveled off and used as a training area for the fire companies.

Ken Kozak of 118 Hebda Lane was in to request that the alley behind his house be paved (called Hebda Lane). Mr. Kozak noted that Mr. Gindlesperger had stone put down during the winter on this alley to cover the ruts, but he would like it paved this year. Mr. Kozak showed the Supervisors pictures of the poor condition of this alley. Solicitor Beener asked Mr. Kozak if this was a public alley and how many homes did it serve. Mr. Kozak stated that it was a public alley and served seven houses. Mr. Rouser suggested that the Supervisors have Penn Dot go with them to look at this alley to see if Liquid Fuels monies could be used to pave it. It was also noted that this alley was a dead end and Mr. Rouser felt that might be a reason Liquid Fuels monies could not be used to pave it, it had to be a drive-thru. Mr. Kozak indicated that the alley was called Hebda Lane and the Township did plow it. Mr. Hart informed Mr. Kozak that the Township was not promising to pave this alley, but would do some work on it to eliminate the mud. Mr. Kozak stated that he still wanted the alley paved; he was looking for something permanent. Mr. Gindlesperger noted that a base was needed to pave the alley and some pipe needed to be installed; this would be a large cost. Mr. Hart stated that the Township could get started on repairing this alley this year anyway, and would get Penn Dot involved. Mr. Gindlesperger felt that the biggest problem was the drainage. Mr. Rouser suggested that the Township use the \$7,000+ from County Aid Liquid Fuels to repair this alley. Mr. Gindlesperger stated that the Township would do a temporary/permanent fix this year; millings could be put down too. Mr. Kozak was worried about the plows taking this back up. Mr. Gindlesperger informed Mr. Kozak that they would have Penn Dot come in and would get back to him on this matter.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. **PUBLIC COMMENT POLICY:** Solicitor Beener stated that the proposed public comment policy had been posted on the board during the past week, and explained that the policy would put all public comment at the beginning of the meeting with a 30 minute time limit. There would also be a limit on individual speakers. Solicitor Beener further noted that if there were more people to speak than the time could accommodate, the Supervisors could allow additional time at the end of the agenda. There was a motion by Mr. Hart, seconded by Mr. Rouser, to approve a public comment policy to provide an orderly and efficient manner to obtain public comment and to provide the public with an opportunity to participate in the meetings of the Supervisors. Roll call vote: Mr. Hart – yes, Mr. Rouser – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

NEW BUSINESS:

1. **OPEN BIDS FOR 2004 PETROLEUM PRODUCTS:** Mr. Gindlesperger opened the only bid received for petroleum products, which was from Luther P. Miller as follows:

Unleaded Regular Gasoline	\$ 1.3165/gal.
Diesel Fuel	\$ 1.1750/gal.
#2 Heating Oil	\$ 1.0850/gal.

This bid will be reviewed and award will be made at the next Supervisors' meeting.

2. **OPEN BIDS FOR 2004 ROAD MATERIALS:** Mr. Gindlesperger opened the following bids received for road materials:

Road Materials (Delivered):

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

#8 Limestone (or) Anti-Skid Limestone Equivalent 11.35/ton	SL – \$ 11.80/ton	NE – \$
Type 2 Slag – Anti-Skid – Limestone Only	SL – \$ 9.85/ton	NE – No Bid
#57 Stone – Limestone Only 11.35/ton	SL – \$ 10.80/ton	NE – \$
2A Stone – Limestone Only 10.10/ton	SL – \$ 9.25/ton	NE – \$
2RC Stone – Limestone Only 9.85/ton	SL – \$ 10.50/ton	NE - \$
#1 Stone – Limestone Only 11.10/ton	SL – \$ 11.25/ton	NE – \$
Milling Material	SL – \$ 14.00/ton	NE – No Bid
ASSHTO #10 Dust 11.35/ton	SL – \$ 9.25/ton	NE – \$
Road Salt	SL – \$ 49.50/ton	NE – No Bid

Road Paving/Sealing Materials (FOB at Plant):

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

ID-2 Wearing Course or 9.5 mm 30.00/ton	HRI – \$ 29.90/ton	NE – \$ 30.60/ton	QS – \$
ID-3 Wearing Course or 19 mm 28.00/ton	HRI – \$ 28.00/ton	NE – \$ 28.15/ton	QS – \$
ID-2 Binder Course or 19 mm 28.00/ton	HRI – \$ 28.00/ton	NE – \$ 28.15/ton	QS – \$
BC-BC Base Course or 25 mm 26.50/ton	HRI – \$ 26.00/ton	NE – \$ 26.70/ton	QS – \$

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

HRI, Inc. – Cost of materials as bid above plus \$48/hr. per truck

New Enterprise – Cost of materials as bid above plus \$49/hr. per truck

Cold Patch (FOB at Plant):

HRI, Inc.	\$ 34.00/ton
New Enterprise	\$ 35.00/ton
Quaker Sales	\$ 34.00/ton

All bids received will be reviewed and awards will be made at the next Supervisors' meeting.

3. **MINOR SUBDIVISION:** This subdivision plan was conditionally approved by the Conemaugh Township Planning Commission on December 9, 2003, with said conditions being subsequently satisfied and the Commissioner signatures placed on the plan on March 24, 2004. Solicitor Beener stated that this subdivision was okay for approval. There was a motion by Mr. Hart, seconded Mr. Rouser, to approve a proposed minor subdivision by Walter N. & Beverly M. Turner, property owner and applicant, to create from parcels 12-009-101-00 and 12-009-101-02 a Lot #2 containing approximately 0.758 acre and having a pond thereon to be merged with existing Lot #1 owned by Turner Truss, Inc., and a Lot #3 containing approximately 10.274 acres and having existing dwelling, garage, barn, and pool thereon, and residue of approximately 2.240 acres being a singular parcel bounded on the north by State Route 601 and on the south by existing stream. Roll call vote: Mr. Hart – yes, Mr. Rouser – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

ITEMS FOR DISCUSSION:

1. **SEWER GRINDER PUMP REGULATIONS AND PERMITS** – Solicitor Beener reported that there were approximately 20 grinder pump agreements that the Township inherited from years ago and the Township was trying to get organized about how these agreements were treated. He stated that the Township would be getting in touch with the people who have these agreements and trying to get everything in a consistent manner. Solicitor Beener noted that there would be something forthcoming on this shortly.

2. **GREENHOUSE PARK REVISED RULES AND REGULATIONS, AND USE PERMIT** – Solicitor Beener stated that Greenhouse Park was getting used a good bit more, and there had been a variety of rental agreements devised. The Township was trying to pull these all together into one final agreement. Solicitor Beener stated that there were already a number of reservations for the rental of the park and the pavilions for this year. He would have something completed on this shortly.

3. **REVISIONS UNDER CONSIDERATION FOR JUNK ORDINANCE** – Solicitor Beener stated that the Supervisors have made it clear that they were very intentional on cleaning up junk areas. He noted that there were three different Township ordinances relating to junk the need to be pulled together into one, which would be done in the very near future, and it this would be enforced.

4. **DAMAGED MAIL BOX POLICY** – Chairman Gindlesperger stated that this matter had been discussed at the last meeting. He felt that if the Township crew was responsible for knocking off a mailbox, the Township should purchase a new one; the question was who was going to put it up. Mr. Hart felt that the homeowner should, but this was open for discussion. Mr. Rouser stated that the Township had put them up in the past, there was not that many. Chairman Gindlesperger stated that the Township should pay for the mailboxes and put them up, if the road crew knocked them down. Mr. Hart indicated that he had talked with Penn Dot and they said if the snow knocked the mailbox over, they did nothing because it was on their right-of-way, and if the truck physically knocked the mailbox over, they would buy them a new mailbox, but not the one the resident wanted, just a standard mailbox. Solicitor Beener asked if the Supervisors wanted to place a cap on what the Township would pay for a mailbox. Mr. Rouser asked Ed Mattis who was sitting in the audience what the price of mailboxes were. Mr. Mattis stated that a regular metal box was \$6-\$7, a large box was \$27, and a middle box was \$17. It was decided to place a \$20.00 cap on this. At this point, a resident asked about replacement of the post that might be knocked over with the mailbox. Mr. Rouser stated that this would be a judgment call; if the post was rotten to begin with the Township should not replace it. Mr. Rouser agreed that if it was a good post and a good mailbox and the Township truck knocked it down, the Township should fix it; there were not that many.

There was a motion by Mr. Rouser, seconded by Mr. Hart, to replace mailboxes, and posts that were not rotten, if the Township trucks knocked them over, placing a \$20.00 cap on the cost involved. Roll call vote: Mr. Rouser – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

At this point, Solicitor Beener noted that this would be the last time that the public would be making comments at the end of the agenda.

FLOOR OPENED TO PUBLIC COMMENT:

Edward Mattis of 157 Church Road, wanted to ask the Supervisors what was the Township's responsibility regarding alleys, and what was the definition of an alley. Solicitor Beener asked Mr. Mattis if he had heard him earlier ask the gentleman if his alley was a public alley; and that was why. Mr. Mattis stated that he owned the hardware store in Davidsville and right next to it was what he called a public alley that had one exit on a Township road and the other exit on a state highway, and there were also side exits. Mr. Mattis indicated that within the last 13 years they have twice tried to have this alley paved, and the Township told them they had to get each property owner to sign the ownership of their part of the alley over. Mr. Rouser stated that there was one resident who would not sign. Mr. Mattis wanted to know why they had to do this. Mr. Rouser was not sure of the legality of that particular alley, but the Supervisors were told by the Solicitor at that time that the Township had to get permission from everyone on that alley and there was one resident that refused. Again, Mr. Mattis asked why they had to do that, when other alleys were just being paved. He further stated that at one time the Township

plowed that alley, the Township put millings on that alley, and within the last two or three years, the Township has not touched it. Mr. Mattis stated that the Water Authority used that alley all the time and they fill the potholes. He noted that there was a lot of traffic that comes down the alley. Mr. Rouser suggested that Solicitor Beener checked into this because there was a reason why the Township had to get permission from all the residents along this alley. Solicitor Beener would look into this and also Mr. Kozak's alley. Mr. Mattis asked what constituted a public alley. Solicitor Beener stated a public alley is one that is turned over or dedicated to the Township. Mr. Mattis asked if that was noted on all alleys within the Township. Solicitor Beener answered, probably not, and if it were, Conemaugh Township would be the only Township in 27 counties. Mr. Mattis pointed out that there had been numerous alleys that had been paved, and it was not known if they were turned over to the Township. Solicitor Beener stated that he certainly did not know at this time, but he would look into it. Mr. Mattis also noted that most of the alleys in Jerome were paved. Chairman Gindlesperger informed Mr. Mattis that the Township would do some research on the alley beside his store, and would get back to him.

Tom Platt of 113 Simpon Street, wanted to know who made the decisions regarding spring clean up within the Township, because one year they take tires, the next they do not, and this year there was a limit of 200 pounds. Mr. Hart stated that Waste Management dictates what can and cannot be picked up because they were ones that receive it. He further stated that Waste Management wanted the 200 pound limit because they were providing the packers with a driver and a helper for the Township. Mr. Platt indicated that Waste Management had been doing that for the past several years. Mr. Hart noted that they wanted certain items written into the regulations this year. Mr. Rouser explained that they took tires last year because they had a grinder system up there, but the person running this system went under, and then for the past year they had a dumpster at the landfill for tires, which had to be hauled to Shade, and they were not willing to do that anymore.

Andy Hummel, Deputy Chief of Hollsopple Volunteer Fire Company and Councilman of Benson Borough, had a request regarding incentives for fire companies. He suggested, and stated that this same matter was discussed at Benson Borough's Council meeting, that the Township might consider giving free sewer to the firehalls. Mr. Hummel noted that the Conemaugh Township Municipal Authority would be asked to consider giving free water. He felt this should be given to the firehalls because of the public service they provide, and that this was just a thought. Mr. Hummel noted that it costs approximately \$50 - \$70 per month for both water and sewer. Solicitor Beener noted that Mr. Adams had just requested incentives for the volunteers of the fire companies, and Mr. Hummel was requesting incentives for the firehalls. Chairman Gindlesperger stated that the Township would investigate this matter on the sewage end.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, May 19, 2004 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Rouser, seconded by Mr. Hart, to adjourn the meeting at 7:46 p.m.

Submitted by,

(signed) David A. Hart, Secretary/Treasurer