

MINUTES OF REGULAR MEETING OF JUNE 16, 2004

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:02 p.m. on June 16, 2004 by Chairman Calvin Gindlesperger. Board members present were Calvin Gindlesperger, Chairman, and David Hart, Secretary-Treasurer. There was one vacancy on the Board. Solicitor James Beener was present.

Pledge to the Flag.

APPOINTMENT OF NEW SUPERVISOR:

Chairman Gindlesperger stated that approximately eight individuals had applied to fill the vacant Board position, and all had been interviewed. He wished to thank those that had applied, noting that this was a tough decision. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to appoint Mr. Wayne A. Kauffman as Conemaugh Township Supervisor to fill the vacant position of Mr. Robert Rouser. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

FLOOR OPENED TO PUBLIC COMMENT:

George Knapp from Benson Borough was in to complain about the sewage rate increase. He stated that when the Jerome sewage project went in, the Supervisors said that Benson Borough would be paying \$15.00/month, along with Hollsopple, Maple Ridge, and part of Davidsville, and now the rates were increased. Mr. Knapp said that this was not fair. He further noted that he had been a Council member at that time and he had signed all the documents. Mr. Knapp asked if the Sewer Department lost \$18,000.00. Mr. Hart answered that \$18,000.00 a year was lost. Mr. Knapp stated that this rate would figure out to bring in double what was lost—why would the Supervisors do that. Chairman Gindlesperger asked Mr. Knapp if he would like the Supervisors to raise rates every year, with cost of everything going up. Mr. Knapp asked what costs, and Chairman Gindlesperger asked him what to do about hospitalization costs. Mr. Knapp felt that those cost should be cut back. He also wanted to know where the \$100,000.00 surplus has gone. Chairman Gindlesperger answered that there was no such surplus. Mr. Hart stated that the operating costs have been higher than the revenue coming in and something had to give, and on a recommendation by the Sewage Enforcement Officer the rates had to be increased to compensate. Mr. Knapp again stated that the increase would take in double the loss—the loss was \$18,000.00 and now approximately \$45,000.00 was going to be collected. Mr. Hart noted that the loss was \$18,000.00 a year for a two-year period and this was the third year of loss. Mr. Knapp stated that they were paying more for sewage than they were for water now. He indicated that he was not done with this and he was going to the Farmer's Home in Washington and the other two organizations that they borrowed money from to see how the transaction went through.

At this point, there were a few residents complaining about Mock's junkyard in the Carpenter's Park area. They noted that their spokesperson, Bob McMonagle, was not able to come tonight. They wanted to know why this property was not cleaned up yet. Solicitor Beener stated that he has taken further steps since the last meeting and was trying to seek an injunction. He noted that the complaint last fall regarding this matter

had an injunction recorded on it already, and he would be asking the courts to move on this. The residents stated that more junk was coming in to Mock's. One resident indicated that there was a Caldwell Banker "For Sale" sign on the Mock property and when Caldwell Banker was called, they knew nothing of this property. The residents felt that Mock stole the sign and was trying to buy time. It was also noted that Mock had an empty house there. Another complaint was that Mock blocked the road off while unloading junk and would not let the residents pass, and even threatened someone. Solicitor Beener stated that the Township would keep the pressure on in this matter.

- **Phil Hackwelder** of Dickey Hill Road stated that both sides of Dickey Hill Road were washing out. Mr. Hart informed Mr. Hackwelder that he was aware of this problem and was in the process of getting berm work done throughout the Township. He stated that sometime within the next six weeks the berm along Dickey Hill Road would be repaired.

- **Doug Goliass** of Dickey Hill Road was concerned about the sewage rate increase. He stated that he had built his house in 1998 and was told that gravity flow sewage would be going in. Mr. Goliass said that he currently has a grinder pump and the cost was high for this. He wanted to know if there would be gravity flow sewage in the future. Mr. Hackwelder noted that he also had a grinder pump and wanted to know why there could not be gravity flow sewage for everyone who lived in that area, and if so, would they have to pay another tap-in fee. He was informed that they would not have to pay another tap-in fee—their cost would be on their property to the line. Mr. Hart stated that he would discuss the matter of gravity flow sewage in that area with Mr. McCauliff tomorrow.

Bob Miller of Moxie Lane stated that the Township needed to bite the bullet and install sewers along Somerset Pike. He indicated that the property where his daughter wanted to build a house did not perk and now she could not build her house. Mr. Miller complained that the Township collects taxes the same off everyone whether they have sewage or not. He stated that the Township could either put in a sewer line or spend some of the Township money and put in an on-lot sewage treatment plant in that area for those people that are stuck; or the Township could put a fee on residents who have sewers in order to gain some money to help the other residents who do not have sewers. Mr. Miller noted that he owned six properties and was "hit" six times. He said it would cost him approximately \$18,000.00 - \$20,000.00 to put in an on-lot treatment plant, and he would sooner give the Township the \$20,000.00 to put the sewer line along Somerset Pike. Mr. Miller stated that he would also sooner pay the Township \$25.00 a month for the next thirty years – the Supervisors had to do something because until the Township's infrastructure was improved, the Township would not grow. Chairman Gindlesperger asked Mr. Miller if he had heard the comments tonight about the sewer rates, though. Mr. Miller said he did, but did anyone complain about the cable TV rates, etc. Mr. Miller further stated that he felt it was wrong that the pressure has been put on him to go to DEP to do what ever was needed to build on that lot. He stated that if "you do not have sewer and water, you have nothing".

Joyce Kozielec of Main Street, Davidsville was in to complain about the increase in truck traffic, in particular those hauling trash to the landfill. She stated that these trucks were speeding at 55 mph and this was an accident waiting to happen. Ms. Kozielec requested police officers to sit there to catch these trucks, noting that the best time would be between 3:00 p.m. and 6:00 p.m. She also wanted to know how much money was received from the landfill. Mr. Hart stated that the last check received was approximately \$114,000.000, noting that they pay \$1.30/ton. Ms. Kozielec wanted to know what the Township uses this money for. Mr. Hart stated that it was currently being used to balance the budget. He also stated that the landfill had increased business. Ms. Kozielec felt that the police need to be more alert and that the Township should increase the landfill fee. She also said there was a need to have a ramp off 219 to the landfill. Mr. Hart stated that he had talked to the landfill and they had said that the State would not give an off ramp to a private location. Ms. Kozielec asked about hazardous waste at the landfill. Chairman Gindlesperger stated that the landfill was not permitted for hazardous waste. Ms. Kozielec again requested increased police patrol on Main Street. Chairman Gindlesperger stated that the Township could do that.

MINUTES OF JUNE 16, 2004 MEETING CONTINUED.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to accept the minutes of the regular meeting of May 19, 2004 and special meeting of June 7, 2004. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

BILLS:

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to pay the bills for the month of June 2004 in the amount of \$25,786.89 for the General Fund, and \$6,854.55 for the Liquid Fuels Fund, and \$16,466.82 for the Sewer Fund. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

POLICE REPORT:

The police report as submitted by OIC Howard Jackson for the month of May 2004 for Conemaugh Township and Benson Borough was read. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to accept the police report for the month of May 2004 for the Township and Benson Borough. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

PERSONS TO BE HEARD:

Doug Golias and Phil Hackwelder were on the agenda to speak at this point, but they acknowledged that they had already said what they had come to say under “Public Comment”.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. **BID OPENING FOR 2004 PETROLEUM PRODUCTS:** Chairman Gindlesperger opened the only bid received for petroleum products, which was as follows:

William G. Satterlee & Sons, Inc.

Regular gasoline	-	\$1.3150/gallon
Diesel fuel	-	\$1.1775/gallon
Heating Oil	-	\$1.1575/gallon

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to reject the bid received from William G. Satterlee & Sons, Inc. for 2004 Petroleum Products because there was no bid bond included with the bid. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

NEW BUSINESS

1. **BID OPENING FOR 2004 ROAD SURFACING (IN PLACE):** Chairman Gindlesperger opened the bids received for road surfacing, in place, which were as follows:

HRI, Inc.	-	\$41.75/ton	-	\$134,977.75
New Enterprise Lime & Stone Co., Inc.	-	\$42.55/ton	-	\$137,564.15
Quaker Sales Corp.	-	\$44.00/ton	-	\$142,252.00

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to accept the low bid from HRI, Inc. in the amount of \$134,977.75 for the 2004 road surfacing, in place. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

2. **ORDINANCE NO. 652:** Mr. Hart noted that the Township was mandated by the State to adopt the PA Uniform Construction Code. He further stated that the Township would be enforcing the PA UCC in-house rather than using the COG or the State because it would be cheaper. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adopt Ordinance No. 652 adopting the PA Uniform Construction Code as set forth in Act 45 of 1999 and providing for the implementation and enforcement of a codes enforcement program. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

3. **RESOLUTION NO. R03-04:** There was a motion by Mr. Gindlesperger, seconded by Mr. Hart, to adopt Resolution No. R03-04 appointing a Conemaugh Township Construction Code Board of Appeals to act in accordance with the provisions of the PA Construction Code Act. Roll call vote: Mr. Gindlesperger – yes, Hart – yes. Motion carried, two yes, one vacancy.

4. **RESOLUTION NO. R04-04:** Mr. Hart stated that the Township's fee schedule for the new construction code was cheaper than either the COG or the State. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adopt Resolution No. R04-04, establishing fees for building plan submission and inspections under the PA Construction Code Act. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

5. **UCC MUNICIPAL CODE OFFICIAL:** Mr. Hart stated that the Township must have a Code Official to enforce the UCC and that individual must be licensed. He indicated that Ron McGee, the Township's Zoning Officer, had taken the test and passed. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to appoint Ronald McGee, Certified Building Code Official #001351, as Municipal Code Official to enforce the PA Uniform Construction Code within Conemaugh Township. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

6. **UCC THIRD PARTY AGENCY:** There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to execute an agreement with Middle Department Inspection Agency to act on behalf of Conemaugh Township regarding PA Uniform Construction Code enforcement. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

7. **ROBERT ROUSER PENSION BENEFITS:** Mr. Hart noted that according to the contract, Mr. Rouser was eligible to receive disability pension benefits if he qualified to receive Social Security disability benefits, which he did. This motion was necessary so that there would be no question in the future on this. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to approve Robert Rouser to receive pension disability retirement benefits from the Conemaugh Township Non-Uniformed Pension Plan, effective June 1, 2004, due to Mr. Rouser's qualification for Social Security disability benefits. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

8. **FISHER WORKS CONTRACT EXTENSION:** Chairman Gindlesperger noted that this would only be an extension of this contract, nothing else was changed. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to agree to extend the contract completion date for FisherWorks Consulting to prepare a Whitewater Trail Extension Study to October 5, 2004, with all other terms and conditions of the December 5, 2003 Agreement remaining in effect without change or modification. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

9. **AMENDMENT TO POLICE DEPARTMENT SCHEDULING POLICY:** Mr. Hart stated that this amendment was requested by the police officers. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to amend the Conemaugh Township, Somerset County, Police Department Scheduling Policy by deleting Article III, Procedure, Subsection 3 in its entirety and amending Article III, Procedure, Subsection 4 to read: "The Chief or Acting Chief shall complete the final schedule for the succeeding month and the schedule shall be considered final and distributed to the

officers on the following Monday. No changes will be made in the schedule following that time, except for emergencies.” Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

10. **WITHDRAWAL OF POLICE GRIEVANCE:** Solicitor Beener stated that this police grievance was amicably solved and withdrawn by everyone. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to acknowledge the withdrawal of the grievance of the Conemaugh Township Police Association, and that the Officer In Charge is requested, conditioned on the satisfactory performance of the part-time officers and subject to the availability of shifts due to full-time employee vacations, to assign Officer Michael Popma and Officer Daniel Gonos to be scheduled the majority of the available shifts (not exceeding 32 hours with a minimum of 24 hours in a pay week); and in the event of a full-time vacancy the above officers would be given first consideration provided they continue to meet performance standards; and that Officer Angelo DiRosa has indicated that he wishes to withdraw from full-time consideration and has requested one shift per week, where available; and that the OIC is directed to attempt to comply with these requests unless, in his opinion, the assignments would not be in the best interest of the public served by the police force. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

11. **DOVEY MINOR SUBDIVISION:** Solicitor Beener stated that the plan was okay to approve. This plan received favorable comment from the Somerset County Planning Commission on June 14, 2004. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to approve the minor subdivision plan submitted by Terri Ann Dovey, property owner, to create and convey 0.499 acre parcel to and merger with adjoining parcel #12-069-056-00 owned by James E. Jr. & Marsha J. Carr located on Regent Street. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

ITEMS FOR DISCUSSION:

1. **REQUEST FROM CTMA FOR MANDATORY TAP-INS** - Chairman Gindlesperger stated that the Township received correspondence from the Solicitor of the Conemaugh Township Municipal Authority requesting mandatory water tap-ins for the Soap Hollow Project. He felt that the Township needed more information on whether this Soap Hollow Project was a go. Chairman Gindlesperger stated the CTMA had also requested a mandatory tap-in for the rest of the Township, and the Supervisors would like to see some “wording” on this matter before any decision was made.

2. **CONEMAUGH TOWNSHIP SCHOOL DISTRICT GUN CLUB REQUEST** – Solicitor Beener stated that last month the inquiry was made whether the Township might have some vacant land available that could be donated to this club. He stated that there were a variety of provisions in the Township Code that simply would not allow this and he had given an opinion letter to the Township to that effect. There were certain provisions where the Township could sell the property, but that was not what the school district was looking for.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, July 21, 2004 at 7:00 p.m.

At this point, James Voytko wanted to address the Supervisors, noting that he was not a resident of the Township. He stated that he was a licensed pyrotechnician, and he performed fireworks shows for family and friends. Mr. Voytko wanted to know if he could have a permit to set off fireworks at the old Ideal Park property, noting that he had e-mailed the Supervisors about this a few weeks ago. Chairman Gindlesperger informed Mr. Voytko that the Township did not own that park. Mr. Hart asked Mr. Voytko if he had talked to the people who owned the park. Mr. Voytko stated that he did not know who owned it. Mr. Hart stated that he did not know the owners specifically; that there was a group that owned it, and one person involved was Doug McIlwain. Mr. Hart asked Mr. Voytko to leave his phone number with him and he would ask Mr. McIlwain for him.

Another gentleman wanted to ask if the Township belonged to the COG or the Somerset County Development Association because they had their own Codes Enforcement Officer for the enforcement of the PA UCC. Mr. Hart informed him that the Township did not belong to COG.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adjourn the meeting at 7:50 p.m.

Submitted by,

(signed) David A. Hart, Secretary/Treasurer