

## **MINUTES OF REGULAR MEETING OF MAY 19, 2004**

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:58 p.m. on May 19, 2004 by Chairman Calvin Gindlesperger. Board members present were Calvin Gindlesperger, Chairman, and David Hart, Secretary-Treasurer. Robert Rouser was absent. Solicitor James Beener was present.

Pledge to the Flag.

### **RESIGNATION OF ROBERT ROUSER:**

Chairman Gindlesperger read a letter of resignation received from Supervisor Robert Rouser that stated he was resigning as Conemaugh Township Supervisor effective May 12, 2004 due to health problems. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to accept the resignation of Robert Rouser as Conemaugh Township Supervisor. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

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

**Dave Strayer** from the Conemaugh Township School Board wanted to know if the Supervisors had made a decision on allowing the Conemaugh Township School Rifle Team to use the building located below the municipal building. Mr. Hart stated that the Supervisors had thought about it, but were not sure exactly what they could do. He indicated that the last time he had spoke with Mr. Strayer he had told him that the Township wanted to use the lower building for equipment storage in the winter. Mr. Hart stated that other than that building, there was nothing else except land with no water, sewage, or electricity. Mr. Strayer then asked if the Supervisors would consider donating that land to them to build a rifle range on. Solicitor Beener said that he would have to check to see if the Township was okay to donate the land like that. Mr. Strayer noted that he was on a strict time frame since the league begins in the winter, and he wanted to know how soon he would get an answer on this. Solicitor Beener indicated that there should be an answer by the next meeting. Mr. Strayer asked if he could be informed as soon as possible as to any indication whether or not this would be permitted. Solicitor Beener stated that the Supervisors could not act on a particular item prior to a meeting, but they could possibly give him some idea.

### **MINUTES:**

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to accept the minutes of the regular meeting of April 14, 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 May 2004 in the amount of \$8,987.58 for the General Fund, and \$8,455.18 for the Liquid Fuels Fund, and \$3,733.62 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 April 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 April 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:**

**Ken Kozak** of 118 Hebda Lane was present concerning the driveway/alley in Jerome. He again showed the Supervisors pictures of how bad the roadway was. Mr. Kozak noted that Mr. Gindlesperger had placed gravel there, but that was a short-term fix since the heavy rain was washing out all the finer stones and leaving behind the big rocks. Mr. Kozak understood that the Township could not pave the road this year, but wanted to know when the Township could dig it out and put the millings down. Mr. Hart stated that once the crew finishes grading and sweeping the roads, they could probably get that started by the middle to end of next month. He assured Mr. Kozak that this was not a dead issue – it was something that would definitely be addressed. Chairman Gindlesperger noted that the Township wanted to put drainage above the road to keep water off the road and a basin would be put in this year. He further stated that the Penn Dot representative from Municipal Services would be in the end of next week and he would look at the road with the Supervisors. Mr. Kozak asked if the Township would be putting in a good base this year. Chairman Gindlesperger stated the base would be put down this year so it would have all winter long to settle, and there was a chance that next year it would be paved. He reiterated that the base work would be done either in June or July of this year. Mr. Kozak informed the Supervisors that if nothing was done, he was the type of person that would be a permanent fixture at the meetings until he saw some results.

At this point, Mr. Kozak stated he had brought his father with him and asked him if he wished to speak. Mr. Kozak's father wanted to show the Supervisors a drawing of 2<sup>nd</sup> Street and the alley in Jerome. He stated that he had future plans for the property that he owns in that area – he had purchased a sewer tap for \$1,000. Mr. Kozak's father stated that three people would be using the roadway in the future. He requested that when the road crew plowed that area in the winter that they curve up so as not to create such a big pile of snow that causes run off onto his property when it melts. He also referred to a manhole in that area. Chairman Gindlesperger asked him if the Supervisors could have his drawing. He stated that they could.

**Robert McMonagle** of Carpenters Park was in to complain about the junkyard and dilapidated/abandoned houses in the Carpenters Park area. He wanted to know why nothing was being done about it – they have been complaining about it for years. Solicitor Beener stated that this matter was currently in litigation on Mock. He indicated that he was working on this and would move ahead as quickly as possible. Mr. McMonagle stated that the variance that had been granted had stipulated that nothing was to be stored outside the building, but they were not abiding by that stipulation. Mr.

McMonagle noted that this was too much to take anymore, stating that the people also just walk away from the houses there, abandoning them. He stated that these houses were a danger to the children in the area and an eyesore. Chairman Gindlesperger informed Mr. McMonagle that the Solicitor was working on revising the Township's ordinance on junk cars, dilapidated houses, and etc. so that they could do something with these matters. He hoped this would be completed within the next month. Solicitor Beener stated that the Township had three different ordinances pertaining to junk, etc. with three different ideas enacted at different times, and he was working on compiling them into one complete ordinance. Mr. McMonagle further noted that he had talked with Ron McGee, Township Zoning Officer, who admitted that nothing was to be stored outside the building. He felt that since this was in violation of the zoning variance, it should be acted upon now. Solicitor Beener stated that was the litigation matter he was working on.

**CORRESPONDENCE:**

Chairman Gindlesperger read a letter received from the Conemaugh Township Area Historical Society in which they requested a donation from the Township. Mr. Hart noted that the Township had given them a donation in the past and there was \$1,000 budgeted for this year. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to donate \$1,000 to the Conemaugh Township Area Historical Society. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

**OLD BUSINESS:**

1. **REJECT/RE-ADVERTISE 2004 PETROLEUM PRODUCTS:** Chairman Gindlesperger stated that only one bid was received for the petroleum products and that was from Luther P. Miller. Luther P. Miller had failed to include a bid bond, therefore that bid had to be rejected and the petroleum products needed to be re-advertised. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to reject the bid received from Luther P. Miller for 2004 Petroleum Products, and to re-advertise for bids. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes. Motion carried, two yes, one vacancy.

2. **AWARD BID FOR 2004 ROAD MATERIALS (DELIVERED):** There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to award the bid for the 2004 Road Materials (Delivered) to Homer R. Sleek & Sons, bid was as follows:

#8 Limestone (or) Anti-Skid Limestone Equivalent	\$11.80/ton
Type 2 Slag – Anti-Skid – Limestone Only	\$ 9.85/ton
#57 Stone – Limestone Only	\$10.80/ton
2A Stone – Limestone Only	\$ 9.25/ton
2RC Stone – Limestone Only	\$10.50/ton
#1 Stone – Limestone Only	\$11.25/ton
Milling Material	\$14.00/ton
ASSHTO #10 Dust	\$ 9.25/ton
Road Salt	\$49.50/ton

Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

**3. AWARD BID FOR 2004 ROAD PAVING/SEALING MATERIALS (FOB AT PLANT) AND HOT ASPHALT MATERIAL (DELIVERED TO JOB SITE):**

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to award the bid for 2004 Road Paving/Sealing Materials (FOB at Plant) and Hot Asphalt Material (Delivered to Job Site) to HRI, Inc., bid was as follows:

ID-2 Wearing Course or 9.5 mm	\$29.90/ton
ID-3 Wearing Course or 19 mm	\$28.00/ton
ID-2 Binder Course or 19 mm	\$28.00/ton
BC-BC Base Course or 25 mm	\$26.00/ton
Hot Asphalt Material	Cost of Materials as bid above plus \$48/hr. per truck

(Delivered to Job Site - 25 mile radius of Township)

Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

**4. AWARD BID FOR 2004 COLD PATCH (FOB AT PLANT):** There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to award the bid for 2004 Cold Patch (FOB at Plant) to Quaker Sales, Inc. at \$34.00/ton. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

**NEW BUSINESS**

**1. ADVERTISEMENT FOR APPLICANTS FOR SUPERVISOR:** There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to advertise for applicants to fill the vacated seat of Robert Rouser on the Conemaugh Township Board of Supervisors. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

**2. RULES AND REGULATIONS FOR GREENHOUSE PARK RENTALS:** Solicitor Beener stated that he had worked on a set of rules and regulations regarding the rentals at Greenhouse Park and Mr. Hart had reviewed them. It was noted that a Use Permit consistent with the rules and regulations would be developed. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to approve Rules and Regulations for rental of Greenhouse Park. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

**3. PREPARATION OF LGUDA FOR TIRE HILL SEWER SYSTEM:** Chairman Gindlesperger stated that Attorney William Barbin had worked on this matter before, and after discussing the situation with Solicitor Beener and Mr. Hart, it was felt that it would be better for him to continue the work since it would take a lot of time for Solicitor Beener to redo everything. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to authorize Attorney William Barbin at a rate of \$95.00 per hour to

prepare the Local Government Unit Debt Act (LGUDA) for PENNVEST borrowing for the Tire Hill Sewer System. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

4. **2004 ROAD SURFACING (IN PLACE):** Mr. Hart stated that Bill Smearman of Penn Dot Municipal Services would be in a May 28<sup>th</sup> to go over a road-paving project. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to advertise for 2004 Road Surfacing (In Place). Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

5. **RESOLUTION NO. R01-04:** Chairman Gindlesperger noted that the sanitary sewer rates would be increased as follows: The minimum charged for 0 to 1,000 gallons per EDU would be increased from \$24.00 to \$26.00 per month, and the charge for each 100 gallons thereafter would be increased from \$.60 to \$.65 per 100 gallons. Chairman Gindlesperger stated that the reason for the increase was because there were shortfalls in the sewer monies for the last three years. Russ McCauliff, Sewer Department Manager, stated that last year the sewer department lost its Act 339 subsidy from the State. He indicated that the sewer department was out \$19,000 this year and would be out the same for next year. Mr. McCauliff noted that this rate increase would generate \$60,000 by next year, which would make up for the loss. It was also noted that this would be approximately an 8.1 % rate increase. Mr. McCauliff further indicated that everyone in the State lost this subsidy and needed to raise rates to cover the loss. There was a motion by Mr. Gindlesperger, seconded by Mr. Hart, to adopt Resolution No. R01-04 to increase rates for sanitary sewer services for Conemaugh Township sewer system customers, effective June 1, 2004. Roll call vote: Mr. Gindlesperger – yes, Mr. Hart – yes. Motion carried, two yes, one vacancy.

6. **RESOLUTION NO. R02-04:** Mr. Hart stated that the Cambria Somerset Authority secured a road bond in June of 2002 to cover any damage done to the Quemahoning Dam Road while the work was completed at the breast of the Quemahoning Dam. He indicated that the bond expires June 2004. The road had been checked for damage and it was, in fact, re-paved putting it in better shape than before. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adopt Resolution R02-04 to release and discharge the Overweight Road Use Permit and Excess Maintenance Agreement for the Cambria Somerset Authority, along with the Certificate of Deposit in the amount of \$75,000.00, for Quemahoning Dam Road. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

7. **MINOR SUBDIVISION:** The Terri Ann Dovey subdivision plan received a favorable comment letter from the Somerset County Planning Commission. The Conemaugh Township Planning Commission granted contingent approval pending DEP approval of Sewage Planning Module Exemption Application, Developer's Agreement by and between the Applicant and Conemaugh Township Sewer Department or, completed extension installation and acceptance of same by Conemaugh Township Sewer Department, including necessary rights-of-way. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to grant approval, contingent upon the above-listed items

being completed, for the proposed miner subdivision by Terri Ann Dovey, Owner and Applicant, to create the following parcels fronting on Pine Street in Davidsville from parent parcel 12-006-165-000: Lot #1 containing approximately 0.715 acres; Lot #2 containing approximately 0.698 acres; Lot #3 containing approximately 0.621 acres; with resultant parent residue containing approximately 37 acres. Roll call vote: Mr. Hart – yes, Gindlesperger – yes. Motion carried, two yes, one vacancy.

8. **LAND DEVELOPMENT:** The land development plan for the Crystal Rose property was granted contingent approval by the Conemaugh Township Planning Commission pending the addition of three parking stalls to the plan. There was a motion by Mr. Gindlesperger, seconded by Mr. Hart, to grant approval for the Crystal Rose land development plan, contingent upon the addition of three parking stalls to the plan. Roll call vote: Mr. Gindlesperger – yes, Mr. Hart – yes. Motion carried, two yes, one vacancy.

**ITEMS FOR DISCUSSION:**

None.

**ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, June 16, 2004 at 7:00 p.m.

**ADJOURNMENT:**

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adjourn the meeting at 7:30 p.m.

Submitted by,

**(signed) David A. Hart, Secretary/Treasurer**