

## MINUTES OF REGULAR MEETING OF SEPTEMBER 16, 2004

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

Pledge to the Flag.

### FLOOR OPENED TO PUBLIC COMMENT:

**Joe Farris** of Jerome asked if the Township's Zoning Ordinance had recently been changed so that it did not allow house trailers. Mr. Hart stated that the Zoning Ordinance had been in effect since 1975 and nothing had been changed. He indicated that there had always been a restriction on house trailers in the Zoning Ordinance, but that restriction had not been enforced until recently. Mr. Farris stated that his nephew wanted to place a trailer on property in Jerome and possibly upgrade to a doublewide in the future. He stated that Ron McGee had informed him he could not do this. Mr. Hart stated that Ron McGee was the Township's Zoning Officer and enforces the Zoning Ordinance. The Supervisors informed Mr. Farris that they would look into this matter, asking him to check back with them next week. Mr. Farris stated that the property in question is Lot #92, Conemaugh Avenue, Jerome.

**Phil Hackwelder and Doug Golias** of Dickey Hill Road were present to complain about the condition of Dickey Hill Road by their residences. Mr. Hackwelder stated that he kept fixing the road and the water kept washing it out—there were big ruts in the roadway and they could not get into their driveways. He further indicated that the Township's road crew only fixed the road up to Marisa's, but not up past their residences. Mr. Hackwelder was concerned that his family would be hurt. It was noted that there was no pipe under their driveways. Mr. Hart stated that it was the Township's policy that a resident could either purchase the pipe and the Township would install the pipe; or the Township would give the resident the pipe to install themselves. Mr. Hackwelder noted that if the Township would supply him the pipe, he would install it, but Mr. Golias indicated that his area would be a problem because of the utilities located there. Mr. Golias would prefer to purchase the pipe and have the Township install it. The gentlemen asked if the Township would install a catch basin in that area. Mr. Hart answered, no. They then asked if a shallow inlet could be installed. The Supervisors stated that they would look at this situation.

**Dave Horvath** of Katherine Street presented the Supervisors with pictures of the poor condition of Katherine Street, which was being caused by logging trucks. He requested that the Township post a sign on that street saying "No Trucks, Except Local Delivery" since the road was being destroyed. Mr. Horvath also asked who was going to clean up the mud on the roadway. Chairman Gindlesperger stated that the Township could have the police enforce the mud issue. Mr. Hart further noted that only three roads within the Township had a weight limit on them, therefore the Supervisors could not prohibit trucks on any other roads. He stated that the Supervisors were looking into having weight limits on all Township roads in the future.

**Mr. Mardis** of Mardis Wholesale located on Tire Hill Road asked if white speed lines could be placed in the vicinity of his business. Mr. Hart stated that he would ask the police to paint those lines after the paving was completed in that area. He further informed Mr. Mardis that the letter had been sent to Penn Dot requesting a speed study to reduce the speed limit in that area also, as

## **MINUTES OF SEPTEMBER 16, 2004 MEETING CONTINUED.**

Mr. Mardis had requested.

**Pete Torely** of Keim Street, Jerome wished to report to the Supervisors the problem he was having with the Conemaugh Township Municipal Authority. He indicated that his water meter froze in the past, and when he received his water bill it showed that he had used 38,000 gallons of water in a month. Mr. Torely thought that was too many gallons, especially if his meter had been turned off. Chairman Gindlesperger, who worked for another water authority, informed Mr. Torely that was not too many gallons in that type of situation. Mr. Torely further stated that he was invoiced all at once by the CTMA to pay for meters since 1997, for which he had never had a bill before, and he had lived there for twenty-two years. He also noted that he had signed an agreement with the CTMA. Mr. Torely stated that he was late with a payment on a water bill and his water was shut off. He stated he had to pay \$50.00 to have it turned back on and this happened a couple of times. Mr. Torely stated that he also had a complaint about the sewer department. He indicated that he had a job and he could pay his bills—he would like to pay some on his bill and have the water turned on, but the CTMA informed him that he had to pay his complete bill. He did not know whom to turn to for help. Chairman Gindlesperger informed Mr. Torely that the CTMA stands alone from the Township. He further stated that he took the side of the water authority because they had to live by a set of standards—they could not bend rules—this procedure was in their bylaws. Mr. Torely noted that he would remember this and would be here every meeting.

### **MINUTES:**

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of August 18, 2004. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, Mr. Gindlesperger - yes. Motion carried unanimously.

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to pay the bills for the month of September 2004 in the amount of \$80,450.71 for the General Fund, and \$141,473.72 for the Liquid Fuels Fund, and \$122,147.27 for the Sewer Fund. Roll call vote: Mr. Kauffman - yes, Mr. Hart - yes, and Mr. Gindlesperger - yes. Motion carried unanimously.

### **POLICE REPORT:**

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

### **PERSONS TO BE HEARD:**

1. **Neil Marisa** of 117 Marisa Lane informed the Supervisors that in February 2004 they appealed a Conemaugh Township Zoning Hearing Board decision that had been made in 1994 where the Zoning Hearing Board revoked a variance that had been granted back then. Mr. Marisa indicated that once an appeal was made, there was thirty days to appeal, and now Conemaugh Township had to defend their decision in Somerset County Court – the Supervisors had to challenge the decision to appeal. Solicitor Beener informed Mr. Marisa that the Zoning Hearing Board was separate from the Supervisors and they had their own Solicitor. Mr. Marisa

## **MINUTES OF SEPTEMBER 16, 2004 MEETING CONTINUED.**

stated that he was curious because this matter had to go before a judge, but could not until the Supervisors challenged it. Solicitor Beener again stated that the Zoning Hearing Board Solicitor would be the one to do that. Mr. Marisa noted that Ron McGee told them that the Supervisors had to challenge since there had been a mediator. Solicitor Beener stated that he was actually not permitted to be involved, but he would be glad to check the records regarding this matter. Chairman Gindlesperger informed Mr. Marisa to contact the Supervisors in the middle of next week to see what was found out.

2. **Pat Carr** of Jerome indicated that he was a three-year resident of Jerome and he lived across from the Jerome Fire Hall. He stated that he worked with troubled kids all his life. Mr. Carr stated that there was supposed to have been a group present at the meeting to complain about the kids and crime in Jerome, but he was not there to complain—he wanted to help do something about it. Mr. Carr noted that he had written a letter to Chief Barclay, who was open to his suggestions. Mr. Carr was suggesting a neighborhood watch for Jerome and he was volunteering to be the Captain to the Chief, which he had been in the past; the residents of Jerome were interested in the watch. He also wanted to provide a place for the kids to be. Mr. Carr introduced Scott Hostetler of Living Way who was converting a church in Jerome into a community recreation center to get the troubled kids off the street. Mr. Carr further stated that he knew where and when the kids were selling drugs and called the police regularly. He noted that his wife also worked with troubled teens. Mr. Carr stated that a farm in Jerome was planning to donate two acres to be used for roller blades, bikes, and skateboards. This would be a supervised park that would allow no drugs, no alcohol, and no smoking. Mr. Carr informed the Supervisors that all of this was in the planning stages and asked for any help they could give. He also asked if the Supervisors could find out what the strategy of the police was. Mr. Gindlesperger stated that the Supervisors would talk to the police to obtain their thoughts on this.

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. **RESOLUTION R07-04** – There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adopt Resolution R07-04 adopting the Somerset County Hazard Vulnerability Assessment and Mitigation Plan as an official plan of Conemaugh Township. Roll call vote: Mr. Kauffman - yes, Mr. Hart - yes, Mr. Gindlesperger - yes. Motion carried unanimously.

2. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this Plan on September 14, 2004 and has recommended approval by the Board of Supervisors. Solicitor Beener noted that this plan was okay for approval. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision plan for Marlin S. & Doris M. Yoder, property owner and applicant, to create a parcel containing approximately 0.46 acre and having an existing mobile home thereon, with residual parent parcel then containing approximately 94.9 acres, with parent parcel having an existing dwelling and on-lot septic system upon it. Roll call vote: Mr. Hart - yes, Mr. Kauffman - yes, and Mr. Gindlesperger - yes. Motion carried unanimously.

At this point, it was noted that the minor subdivision involving the Krings Volunteer Fire

## **MINUTES OF SEPTEMBER 16, 2004 MEETING CONTINUED.**

Company would be tabled to the next meeting since the plans had not yet been received.

### **TIRE HILL SEWER PROJECT:**

1. **CONEMAUGH TOWNSHIP EASEMENTS:** Solicitor Beener noted that these parcels were owned by Conemaugh Township. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to execute the sewer line right-of-way agreements for Parcels #12-065-020-00, #12-007-192-00, #12-065-001-00, and #12-065-002-00. Roll call vote: Mr. Kauffman - yes, Mr. Hart - yes, and Mr. Gindlesperger - yes. Motion carried unanimously.

2. **ADDENDUM TO ENGINEERING AGREEMENT FOR CONSTRUCTION PHASE SERVICE:** Russ McCauliff, Sewer Department Manger, stated that this addendum was submitted by The EADS Group and reflected some deletions and additions to the original engineering agreement, and was based on a consultation meeting held with EADS in Somerset. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the revised Exhibit J of the Engineering Agreement, dated August 18, 2004, as submitted by The EADS Group, Inc. Roll call vote: Mr. Kauffman - yes, Mr. Hart - yes, and Mr. Gindlesperger - yes. Motion carried unanimously.

### **ITEMS FOR DISCUSSION:**

1. **Mandatory Water Connection Ordinance.** Chairman Gindlesperger indicated that the language of the Township's proposed mandatory water connection ordinance would state if a resident owned an existing home along a water line and was not tapped-in, they would not be required to tap-in; but if a new home was built, that resident would be required to tap-in to the water line, or if a new water main was installed and a residence was within 250 feet of the water line, that resident would be required to tap-in. Scott Hostetler asked what did a tap-in include. Chairman Gindlesperger stated that the resident would be required to pay the minimum monthly water bill, along with the tap-in fee. Mr. Hostetler asked if they would be required to tap-in even if they already had a good water source on their property. Chairman Gindlesperger answered, yes, but they could use both sources of water. Mr. Hostetler further asked if they had the right to say that they wanted to use their own water and have the water meter pulled. Chairman Gindlesperger stated that they could, but they would still have to pay the minimum monthly bill. Mr. Hostetler felt this was infringing on his rights as a homeowner. Chairman Gindlesperger explained that PENNVEST was trying to have public water sources available to everyone for safety on the quality of water. Ernest Spory, a Township resident and Emergency Management Coordinator for the Township, felt that this was discriminatory since water was not an environmental issue; sewage would be. Chairman Gindlesperger stated that if there were not a commitment from all the residents in a particular area, the project would not be able to continue.

2. **Date for Trick-or-Treat Night.** The Supervisors set trick-or-treat night for the Township for Thursday, October 28, 2004 from 6:00 to 8:00 p.m.

At this point, Solicitor Beener wished to note for the minutes that a library was open in the Conemaugh Township Senior Citizen's Center located in Hollsopple. The issue that had closed that building in the recent past had been repaired and it was now re-opened. He noted that this library was for everyone and also had computers available.

**MINUTES OF SEPTEMBER 16, 2004 MEETING CONTINUED.**

**ANNOUNCEMENTS:**

1. Chairman Gindlesperger stated that the Conemaugh Township Touchdown Club had asked permission from the Supervisors to hold a fireworks display at the Conemaugh Township stadium on October 9, 2004 at 8:30 p.m. with a rain date set for October 10<sup>th</sup>.
2. The next regularly scheduled meeting of the Township Supervisors will be moved from Wednesday, October 20, 2004 to Wednesday, October 27, 2004 at 7:00 p.m.

**ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Hart, to adjourn the meeting at 7:56 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer