

## MINUTES OF REGULAR MEETING OF AUGUST 17, 2005

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:02 p.m. on August 17, 2005 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:

**George Knapp** of Benson Borough indicated he was back on Benson Borough Council and he wanted to know why the Township was not honoring the agreement that was made with PennVEST and Farmer's Home when the sewerage was signed over to the Township. He stated the agreement was that the sewer rates would not to be raised for Benson Borough; the Township was to honor the rate of \$15.00 per month that Benson Borough had under PennVEST and Farmer's Home. Mr. Knapp stated as soon as Albert Zuccolotto, former Supervisor, got hold of the papers for the sewer system, he raised the sewer rates, and threw Benson Borough in with Jerome. He noted that Mr. Zuccolotto had promised he would never raise rates. Mr. Knapp further indicated there was a Borough Ordinance that said everyone in Benson Borough would be tapped into the sewer system, but there were 13 to 15 homes on the upper end of Benson Borough that were not hooked in, which was supposed to have been taken care of when the "deal" went through. Mr. Knapp wanted to know what was going to be done, noting that Mr. Zuccolotto started this whole "deal", but never finished it. Chairman Gindlesperger asked Mr. Knapp if those not tapped into the sewer system were paying a monthly bill. He answered, no. Mr. Hart stated that the project was done under Farmer's Home, and when the sewer system was taken over by the Township, PennVEST became involved and bought the Farmer's Home loan out. PennVEST rules and regulations were that everyone within a municipality had to have the same rate structure across the board. Mr. Knapp stated that was not the agreement Mr. Zuccolotto made; Davidsville, Hollsopple, Maple Ridge, and Benson Borough were all to stay at \$15.00 per month. Chairman Gindlesperger asked if Mr. Knapp had any signed paperwork on this. Mr. Knapp stated that Mr. Zuccolotto did not sign anything, indicating that Mr. Zuccolotto had told him his word was good and "you could take it to the bank". Mr. Knapp said he would be going to Washington to research this matter. Chairman Gindlesperger asked Mr. Knapp to give him the names of the residents who were not tapped into the sewer system. Mr. Knapp stated it was from Bessy Perian's house up to Pretoria. It was noted that the sewer line did not go up that far. Mr. Knapp indicated the line was supposed to have been installed to the Borough line, noting that the Ordinance said everyone in Benson Borough had to be tied into the sewer system. Mr. Knapp stated that Mr. Zuccolotto reneged on this also. Solicitor Beener said he would look at the Ordinance, and he asked Mr. Knapp if the Township looked into its records would anything be found on the \$15.00 per month rate. Mr. Knapp answered, nothing probably would be found.

**Ernest Spory** of 133 Ham Road stated he was aware of the sewer project discussed above and said it was completed under the Conemaugh Township Sewer Authority prior to the Township taking over. He noted the project would have been completed in 1994 or 1995.

**Joe Stevens** of 126 Stevens Lane asked if the contractor might not have fulfilled his obligation regarding the above discussed sewer project. He asked if anyone had the original plans. Chairman Gindlesperger stated the Township had the original plans and would look at these to

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see if perhaps there could have been an alternate involved. Ernest Spory thought he remembered some alternatives.

**Dave Maldet** of 347 Seneca Trail wanted to know if the Supervisors were going to pave the municipal building parking lot, and if so, was an engineer going to be involved. Mr. Hart, answered it would be paved at some time in the future, but an engineer would not be used. Mr. Maldet stated that culverts were needed, along with stormwater retention. Solicitor Beener said he would be looking to see if the Township would be exempt from this. Mr. Maldet was concerned about the possibility of water running down Route 403, if the lot was paved the way it was. Mr. Hart stated the lot would not be paved the way it was presently. Mr. Hart also stated he had been discussing this matter with Ron McGee, the Township's Zoning Officer, noting that Mr. McGee would not let anything be done wrong.

### **MINUTES:**

There was a motion by Mr. Hart, seconded by Mr. Wayne, to accept the minutes of the meeting of July 20, 2005. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and 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 August 2005 in the amount of \$39,363.17 for the General Fund, \$4,414.71 for the Liquid Fuels Fund, and \$57,240.15 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **POLICE REPORT:**

The police reports as submitted by Chief Howard Jackson for the month of July 2005 for Conemaugh Township and Benson Borough were read. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the police reports for the month of July 2005 for the Township and Benson Borough. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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

George Knapp was scheduled to be heard, but he spoke earlier.

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. **RESOLUTION R09-05:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to ratify Resolution R09-05 approving an amendment to the Articles of Incorporation of the Conemaugh Township Municipal Authority extending the term of existence of the authority for an additional fifteen years. Solicitor Beener noted the Supervisors approved the amendment at the July 20, 2005 meeting, but this was done to assign a resolution number. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

## **MINUTES OF AUGUST 17, 2005 MEETING CONTINUED.**

2. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved the Green plan on August 9, 2005. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Joseph A. Green & Trudy J. Green, owner and applicant, to subdivide property #S12-069-012-00 to create a 1.48 acre parcel from parent parcel for the express purpose of conveyance to Mark A. & Wendy S. Cable for merger with the adjoining Cable property described in Deed Book Volume 1402 on Page 383. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved the Summits plan on August 9, 2005. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision plan for Joseph M. & Mary V. Summits, owner and applicant, to subdivide property #S12-077-040-00 to create a 0.18 acre parcel from parent parcel. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **LAND DEVELOPMENT:** The land development plan of Allegheny Christian Ministries, Inc., t/d/b/a Laurel View Village, was conditionally approved by the Conemaugh Township Planning Commission on August 9, 2005 pending resolution of the following: 1) acquisition of right-of-way required for the extension of Cambridge Drive, 2) approval of final grading plan by Conemaugh Township Engineer, 3) confirmation of acceptance of cart way width by Conemaugh Township Engineer, 4) PennDOT approval of stormwater management submission, and 5) written confirmation by Conemaugh Township Sewer Department of sufficient sanitary sewer treatment plant capacity. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the revised site master plan with stormwater management calculations, and preliminary site construction plans for the final extension of Wheatfield Drive to and including an extension of Cambridge Drive as submitted by Allegheny Christian Ministries, Inc., t/d/b/a Laurel View Village, property owner and applicant, for property #S12-007-031-01, pending the resolution of the above-listed issues. Mr. Hart noted that a letter was sent out today verifying sufficient capacity for sewage. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **REFUND OF TAXES:** This matter was previously discussed during the Supervisors' meeting of August 18, 2004. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to refund Barry Ritko real estate taxes in the amount of \$494.80 for the years 1996 through 2003 that he had paid on roads within Indian Valley Estate that were to be taken over by the Township. Solicitor Beener noted this issue was looked into last year -- a resolution was passed by the Supervisors in the late 1990's, but a Deed of Dedication never completed it, so Mr. Ritko paid taxes on the roads since the resolution was passed. The Deed of Dedication was being prepared at this time. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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

1. **PENNVEST PAY REQUEST #8:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve PennVEST Pay Request #8 in the amount of \$729,891.75 as presented. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **UPDATE SEWER PROJECT:** Ben Faas of The EADS Group stated that on Contract #5 Kukurin was on Soap Hollow Road and a restoration crew was moved in. Galway Bay was

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working on Contract #1 – Plants. They were getting near the completion of the SBR tanks, and once completed, they could begin backfilling and construction could start taking place. Contract #5 – Lines was 66% complete. Contract #1 – Plants was 60% complete.

### **ITEMS FOR DISCUSSION:**

1. **PRESENTATION OF PRELIMINARY TRAFFIC ORDINANCE:** Solicitor Beener stated he was presenting the Supervisors with a preliminary draft of a traffic ordinance, which included all of the existing traffic related ordinances in the Township. This ordinance needed to be reviewed closely for input both from the public and the Supervisors as to what additional roads or areas that needed covered, including speed limits and weight limits on Township roads, bridge weight limits and speed limits, and no parking areas-- anything that would relate to roads and traffic. Solicitor Beener noted that when this was complete, the ordinance would be put in line for adoption.

### **ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, September 21, 2005 at 7:00 p.m.

### **ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Hart, to adjourn the meeting at 7:25 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer