

## MINUTES OF REGULAR MEETING OF DECEMBER 21, 2005

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:01 p.m. on December 21, 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:

**Jerry Thomas**, surveyor, was present for any questions regarding the Kush family subdivision.

**Joseph Stevens** of 126 Stevens Lane wanted to discuss the letter he recently received from Solicitor Beener. He had requested to sit down privately with the Supervisors to negotiate an agreement concerning his property where a sewer line had been installed, noting that the past Supervisors basically told him to “take a hike”. Mr. Stevens did not want this matter to go on forever. He said he already had a survey done of this property. Solicitor Beener interjected at this point, stating that the Supervisors were not requesting a survey, and Mr. Stevens was not understanding the letter, but he would speak after Mr. Stevens was finished. Mr. Stevens stated he was mad, the Supervisors admitted he was right, and they were still not solving the issue. He said he just wanted to sit down with the Supervisors and come to a simple agreement – he did not want to file a “class action” lawsuit over this. Mr. Stevens also wanted the Solicitor to search the records to produce an agreement permitting a sewer line to run through his property at 209 Woodstown Highway. Mr. Stevens felt there would not be one. Mr. Stevens further referred to Item #4 on the Agenda regarding the \$60,000.00 to be paid to P.C. Rizzo Engineers and wanted to know how they could be paid that amount just because they said they did not have enough money. He was told that was not the case. Mr. Stevens said he was asking in front of the public for the Supervisors to sit down to discuss this matter with him and to arrive at a figure, noting that his property was ruined. Mr. Stevens also wanted to know what records were being destroyed under Item #7 on the Agenda and why the Supervisors wanted to dispose of them. Chairman Gindlesperger stated this matter had been discussed at the last Board meeting.

At this time, Solicitor Beener stated he did not like to be misquoted, indicating that he and the current Supervisors had nothing to do with what the prior Supervisors did. He said that he had met with Mr. Stevens earlier this year and had told him he needed a survey, which Mr. Stevens had done. Solicitor Beener also informed Mr. Stevens that he, Mr. Stevens, was right in this issue, and Solicitor Beener further asked him if he did meet with Mr. Hart and Mr. Kauffman. Mr. Stevens answered, yes. Solicitor Beener asked Mr. Stevens if, at that time, Mr. Hart had not known what to offer him. Mr. Stevens answered, yes. Solicitor Beener stated his letter did not ask for a survey. He indicated the letter said that Mr. Stevens and the Supervisors met, Mr. Stevens did not ask for an amount, and the Supervisors did not offer an amount, but the Supervisors would like to establish a fair value on the property—it would need appraised and the Supervisors may pay for the appraisal. Mr. Stevens noted that he was very angry when he read the letter. Solicitor Beener stated the letter was not asking Mr. Stevens to do anything. Mr. Stevens was concerned that the Supervisors would not pay for the appraisal. At this point, the Supervisors indicated they would pay for it.

Mr. Stevens was still requesting the Solicitor to produce a signed agreement by him for his property at 209 Woodstown Highway, noting that he lost a lot of money on this property. He stated it was not just the money lost, but also the aggravation he went through with the other

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Supervisors. Mr. Stevens stated he would drop this matter if a signed agreement were found for this property.

### **MINUTES:**

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of November 16, 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 December 2005 in the amount of \$53,026.36 for the General Fund, \$9,681.16 for the Liquid Fuels Fund, and \$99,650.73 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 November 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 November 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:**

**Joe Veranese**, a local supervisor and candidate for the 72<sup>nd</sup> Legislative District, stated that ever since he announced his candidacy he has been meeting with local leaders to find out what problems they were experiencing with State government. He wanted to know what problems and needs the Supervisors had in regard to State government. Mr. Veranese stated that our legislators were not coming to the local governments to ask what they need, and he would be doing this within the next year before he went to Harrisburg so that he could represent the local governments. Mr. Veranese stated he had to have this information before he could work in Harrisburg.

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. **ADOPTION OF 2006 BUDGET:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt the final 2006 Budget for Conemaugh Township as follows: General Fund 01 - \$2,084,702; Street Light Fund 02 - \$30,045; Fire Protection Fund 03 - \$92,575; Sewer Fund 08 - \$1,101,865; and Liquid Fuels Fund 35 - \$264,403. There will be a 1-mill real estate tax increase, which brings the real estate tax to 7 mills for 2006. There will be no sewage rate increase for 2006. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **TAX RESOLUTION R13-05:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adopt Resolution R13-05 setting the Real Estate Tax at 7.0 mills on the assessed value of

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real estate located within the municipal boundaries of Conemaugh Township, Somerset County. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **OPEN BIDS FOR SALE OF TRUCK:** The following bids were received and opened for the sale of a 1995 one-ton Dodge truck with aluminum bed and plow/spreader; to be sold as-is: Glennwood Lawn Care, Inc. of Johnstown - \$5,210.00, Gaudino Brother L.L.C. of Freedom - \$4,280.00, and Auto Wholesalers of Hollidaysburg - \$13,177.00.

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the bid from Auto Wholesalers of Hollidaysburg in the amount of \$13,177.00 for the sale of the above-referenced truck. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **PAYMENT TO P.C. RIZZO:** Solicitor Beener explained this matter to Mr. Stevens stating that P.C. Rizzo were the engineers who designed the Tire Hill Sanitary Sewer Project, and were retained prior to this Board and himself. He stated the first project bids were not accepted and the project was therefore rebid. Since the bids came in higher and the engineers were paid by a percentage, more was owed to them. The actual amount owed was \$92,000.00, but this figure was negotiated down to \$60,000.00. Solicitor Beener reiterated this amount was not a cost, but a percentage. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve payment to P.C. Rizzo Associates, Inc. from the Sewer Fund in the amount of \$60,000.00 for the additional cost incurred from rebidding the Tire Hill Sewer Project. This payment was negotiated down from \$92,000.00. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **RESOLUTION R14-05:** There was a motion by Mr. Hart, seconded by Mr. Kaufman, to adopt Resolution R14-05 eliminating member contributions into the Conemaugh Township Police Pension Fund for the year 2006. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

6. **MINOR SUBDIVISION:** Solicitor Beener asked where the original access agreement was for recording. Mr. Thomas, surveyor, stated that Ron McGee, Township Zoning Officer, had the original document. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the Request for Planning Waiver & Non-Building Declaration for Lot #2, and the subdivision plan for Mary Ellen Kush, applicant, to merge existing parcels #S12-048-041-00 and #S12-048-040-00 and to create Lot #2 containing approximately 0.87 acres of undeveloped land as a non-building parcel. The Conemaugh Township Planning Commission approved the same at its December 13, 2005 meeting, pending receipt of the executed access right-of-way agreement(s) suitable for recording, which was received on December 15, 2005. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

7. **DISPOSITION OF TOWNSHIP RECORDS:** Chairman Gindlesperger explained to Mr. Stevens that the Supervisors had made a motion at the last meeting to follow the Municipal Records Manual when disposing of Township records. Mr. Hart stated the records destroyed dated back to 1945. There were a lot of general correspondence and records that did not need to be kept, but there were records that could not be disposed of such as audits. Mr. Hart noted that the first load consisted of 2.6 tons of paper. Mr. Kauffman stated that a company in Johnstown shredded the records. Mr. Stevens wanted to know how it was decided what records were to be destroyed. Chairman Gindlesperger stated that the Municipal Records Manual had a listing of

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what could be destroyed. There was a motion to by Mr. Kauffman, seconded by Mr. Hart, to dispose of certain Township records as permitted in the Municipal Records Manual dated July 16, 1993. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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

1. **PENNVEST PAY REQUEST #12:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve PennVEST Pay Request #12 in the amount of \$385,551.77 as presented. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
2. **CHANGE ORDER #1 FOR CONTRACT 2:** Ben Faas of the EADS Group explained this change order was required because of the addition of the Dewatering Building. They were running the lines for this building now in order to save costs. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve Change Order #1 for Contract 2 in the amount of \$5,643.67 for the grounding of transformer foundations, installation of additional conduit for the Dewatering Building, and the addition of control cable, conductors, conduit, and junction boxes required for the installation of required controls not shown on the contract drawings. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
3. **ENGINEERING AGREEMENT AMENDMENT:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the amendment to the Engineering Agreement for Phase II of the Tire Hill Sanitary Sewer Project as presented by The EADS Group. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
4. **UPDATE SEWER PROJECT:** Ben Faas of the EADS Group stated things were slowing down, but everything was going good, and the complaints were low. He stated there were issues with the plant in regard to the change order. There was minor settlement on a retaining wall, but everything that was “important” was staying in the right place. Mr. Faas also stated they were installing the blowers.

### **ITEMS FOR DISCUSSION:**

1. None

### **ANNOUNCEMENTS:**

1. The reorganization meeting of the Township Supervisors will be held on Tuesday, January 3, 2006 at 7:00 p.m.
2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, January 18, 2006 at 7:00 p.m.
3. The Township Auditors will reorganize on Wednesday, January 4, 2006 at 9:00 a.m.

### **ADJOURNMENT:**

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adjourn the meeting at 7:44 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer