

MINUTES OF REGULAR MEETING OF JULY 20, 2005

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:04 p.m. on July 20, 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.

At this point, Chairman Gindlesperger wished to announce that he had a lease agreement to move back into the Township by the end of this month, and it was available for anyone to read.

FLOOR OPENED TO PUBLIC COMMENT:

Kenneth G. Kozak of 274 School Avenue asked for an update on the paving of Hebda Lane so he could relay it to his son. Mr. Kauffman informed Mr. Kozak it was unknown as to when the paving would be done, but it would be done. He noted that the road crew was busy working on the flood damage that occurred in Hollsopple recently.

Susan Anderson of 146 Anderson Lane stated she had been sending the Supervisors letters since January to have the Township take over Anderson Lane and to have it paved. She indicated Anderson Lane had only been paved two times since 1953 by her grandfather when only her family had resided along this road. Ms. Anderson noted that various families now live there. Mr. Hart stated Anderson Lane was a private road and would need to be brought up to Township regulations before it could be taken over by the Township. He also stated the Supervisors would have to vote on taking the road over. Mr. Hart informed Ms. Anderson he would give her the specifications required in this matter.

Joe Stevens of 126 Stevens Lane stated he appreciated Chairman Gindlesperger's opening statement and hoped he was being honest. Chairman Gindlesperger again, invited anyone to read his lease agreement, and that he would be a permanent resident of the Township.

Mr. Stevens wanted to know when public comment was permitted on agenda items. Solicitor Beener stated it was the Supervisor's decision to place public comment at the beginning of the agenda; therefore this would be the appropriate time to ask a question concerning an agenda item. Mr. Stevens was concerned about Change Order #6 for Contract 5 listed on the agenda for approval for the Tire Hill Sewer Project. He felt the project should have been bid appropriately, and that these Change Orders were another "con" job where someone was pocketing the money. Ben Faas of The EADS Group, the engineering firm for the Tire Hill Sewer Project, indicated that Change Order #6 was for depth changes required by PennDOT. He further stated PennVEST performed audits during the project and after the project was completed; therefore there could not be any "cons" going on. Mr. Stevens insisted project bids should be stuck to—it was unfair to the taxpayers.

Mr. Stevens also wanted to know if all the rights-of-way were signed for the Tire Hill Sewer Project. Mr. Hart informed him that 100% of the rights-of-way had to be signed before the PennVEST closing. Mr. Stevens asked if everyone who signed these easements were informed of the detriment of the project going through their property—that they could not use that piece of property after the project went through. Chairman Gindlesperger informed him that explanation was standard on right-of-way agreements.

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Mr. Stevens noted he was still waiting for the maps of his property from his surveyor, but should have them by the next meeting.

Phil Hackwalder of 184 Dickey Hill Road asked if anything was going to be done to repair the potholes on Dickey Hill Road. Mr. Kauffman stated the potholes would be patched, and a thin layer of pavement put down in some spots, after the road crew was completed cleaning up the flood damage in Hollsopple. Mr. Hackwalder also requested something be done on the berm of that road. Mr. Kauffman indicated work would be done on Dickey Hill Road.

Bill Tranovich of 147 Bethel Street wanted to follow up on the illegal cars parked on the road on Bethel Street in Maple Ridge. He stated nothing had been done about these cars since he had last reported it to the Supervisors two meetings ago, and the roadway was down to one lane because of these vehicles. Mr. Tranovich further stated the cars were not licensed or registered. Chairman Gindlesperger informed Mr. Tranovich the police would be sent to that area tomorrow. Mr. Tranovich stated he was told that before and nothing was done.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the minutes of the meeting of June 15, 2005. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously

BILLS:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to pay the bills for the month of July 2005 in the amount of \$90,648.99 for the General Fund, \$2,073.55 for the Liquid Fuels Fund, and \$62,294.58 for the Sewer Fund. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

POLICE REPORT:

The police reports as submitted by Chief Howard Jackson for the month of June 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 June 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:

Steve Jordan of the Jerome Volunteer Fire Company noted that Nick Panasci was not present due to another meeting commitment. He thanked the Supervisors for letting him speak. Mr. Jordan proceeded to relate to the Board the duties of the volunteer fire companies, listing what money was needed for, fundraisers they held, training necessary, the time involved in being a fireman, and he also gave an update on the water rescue team they had. He stated the fire companies had a continual need to receive the \$24,000.00 from the Township as they had received last year in order to keep operating, updating, and serving the community. Mr. Jordan noted that the survey sent out to the public had shown 70% of the residents were in favor of giving the fire companies 1 mill of taxes. He stated he was not looking for a pat on the back, he was just asking for financial help.

Albert Zuccolotto of 110 Wilshire Blvd. stated his purpose for speaking tonight was to clear the air from the May 18, 2005 Supervisors' meeting he had attended. He noted he had further information concerning the 1 mill of taxes to be given to the fire companies. Mr. Zuccolotto

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stated when he was on the Board of Supervisors, a motion was made to give one mill of taxes to the fire companies. He said when the newsletter was sent out asking the public if they wanted 1 mill of taxes given to the fire companies, the result was that 70% voted yes; the newsletter had indicated that taxes would be raised 1 mill. Mr. Zuccolotto stated that upon preparing the budget, it was found it would be unnecessary to raise taxes, and the Township could still give the fire companies 1 mill of taxes. He further stated he was under the assumption the Supervisors made a motion that passed, which indicated the fire companies would receive 1 mill of taxes, and that this could not be taken away unless the motion was rescinded and a new motion made to supercede that motion. Mr. Zuccolotto said that since taxes were not raised, it did not require sending a form to the State, and this gave the Supervisors the right not to put it in the budget for the following year, which they chose not to do. He felt there was nothing wrong with that, it was their decision, but he believed it was important for the fire companies to have that money. Mr. Zuccolotto stated that 70% of the residents agreed to give the fire companies 1 mill of taxes, even if taxes would be raised, which showed how important this matter was. He felt that the money was in the 2004 budget, and could very easily be in this year's budget.

In another matter, Mr. Zuccolotto stated it disturbed him when he had tried to do something when he was a Supervisor and he was told he could not do it, and now he saw something being done that he was denied. He stated the Supervisors wanted to pave Mabel Street off Somerset Pike, and Joe Leamer, a PennDOT representative who handled Liquid Fuels money, had denied them the right to do that. Mr. Zuccolotto noted that Bill Smearman replaced Mr. Leamer when he retired, and the Supervisors again attempted to pave Mabel Street, but Mr. Smearman had said they could not do it. He noted the road was definitely not on the Township map, and was a private driveway. Mr. Zuccolotto stated this was what brought him to the meeting in the first place because it was brought up into his face that he was not permitted to pave that road, and then he was not out of office six months and the road was paved. He stated he would not do anything illegal. Mr. Zuccolotto indicated the Supervisors made a statement at the last meeting that the State said paving Mabel Street was okay. He said he went with Mr. Smearman to Mabel Street, and that Carl Muir could verify that he was there with him. Mr. Zuccolotto noted that his reason for being there was to ask Mr. Smearman why he gave one Supervisor permission to do something that he did not permit the other Supervisors to do. Mr. Smearman had informed Mr. Zuccolotto that Mr. Hart had asked him if he could do that road and he had told Mr. Hart, no. Mr. Zuccolotto informed the Supervisors that this matter was under investigation. Mr. Smearman had measured Mabel Street, and concurred that it was illegal to pave.

Thirdly, Mr. Zuccolotto stated there was an alley that was paved, and he was concerned about it because when he was a Supervisor, they were not permitted to pave alleys. He noted that they had fought to have alleys paved, particularly in Jerome for fire protection, and that was how they were able to pave them. Mr. Zuccolotto stated he was now informed there was a new law that said if a Township owned the right-of-way and it was a paper alley deeded to the Township; the Supervisors were permitted to use Liquid Fuels money to pave that alley. He felt this was great, but again when he was Supervisor, that was illegal. Mr. Zuccolotto stated this was being looked into right now as to who owns the property. He further noted that if it was a Township right-of-way and had not been used for twenty-one years, that property would revert back to the property owner. Mr. Zuccolotto stated he wanted to clear the air regarding the question he had brought up about this alley -- if it was a Township right-of-way; there was nothing wrong with what the Supervisors did.

Next, Mr. Zuccolotto stated he had asked Mr. Hart about some pipe that was lying at his father's place, the Hart's Sporting Goods building. Mr. Hart had stated his father did not

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receive or purchase any pipe. Mr. Zuccolotto indicated he called the Township building and found that Mr. Hart's father did pay for pipe. Mr. Hart stated that was true, but it was not for the pipe that was presently there. Mr. Zuccolotto noted there were two pipes lying there now. Mr. Hart stated his father paid for pipe at an earlier time. Mr. Zuccolotto stated this was being investigated for the reason that 15" pipe and under was a standard stock pipe for the Township, and the policy at the Township was that if the resident paid for the pipe, the Township installed the pipe, and if the Township paid for it, the resident installed the pipe -- this was for standard pipe stocked by the Township. But, Mr. Zuccolotto stated a pipe like what was delivered to Mr. Hart's father, whether it was for him or anybody, for the Township to make a special trip to bring the pipe back and to place it on private property, there must be a charge for the delivery of it, which included employee time, plus benefits. He did not know if that was done. Mr. Hart stated that was Mr. Zuccolotto's take on it, but he was told by the State that the Township could deliver pipe to residents. Mr. Zuccolotto stated that his information came from the Ethics Commission. Mr. Hart asked Mr. Zuccolotto to show it to him. Mr. Zuccolotto stated Mr. Hart would get to see, and that this was another issue that would be addressed. He stated another matter was when he wanted to put a pipe in for the bait shop, and the Supervisors were not able to obtain a stream entry permit. Mr. Zuccolotto stated he was also looking into how pipe was installed without a stream entry permit. He wanted to know how a stream entry permit was issued, when he, as Supervisor, had tried several times and was not permitted by DEP. Mr. Hart stated he did not put the pipe in, so he did not have to have a stream entry permit. Mr. Zuccolotto stated he was talking about the property owner -- he was not picking on Mr. Hart. Mr. Hart stated that if he were not picking on him, he would not be here. Chairman Gindlesperger wanted to know who put the pipe in. Mr. Zuccolotto did not know. Chairman Gindlesperger asked him if the Township installed the pipe. Mr. Zuccolotto answered he was sure they did not. Chairman Gindlesperger wanted to know why he was bringing this up at this meeting if the Township did not install that pipe. Mr. Zuccolotto answered it was because the pipe was delivered by the Township, the charge was only for the pipe, and it was not a pipe that was standard to the Township. Mr. Hart asked what Mr. Zuccolotto considered standard because the Township just installed a 5' pipe on Dickey Hill Road. Again, Chairman Gindlesperger asked Mr. Zuccolotto why he brought up the stream permit if the Township did not install the pipe. Mr. Zuccolotto stated it was because it was what his Board of Supervisors wanted to do and they were not permitted to do it, and it was involving the Township's road. Chairman Gindlesperger stated that did not have anything to do with them now, though. Mr. Zuccolotto said his question was not the permit; he merely brought it up because he had not been permitted to place a pipe under the Township's road and behind the bait shop when he was a Supervisor. Mr. Zuccolotto stated Chairman Gindlesperger was looking for trouble, and his point to the Supervisors was that they delivered larger pipe than was standard for the Township to stock. Mr. Hart wanted to know what was standard—by his standard, what was the biggest pipe. Mr. Zuccolotto asked if the Township had a stockpile at this time. Mr. Hart stated, yes. Mr. Zuccolotto stated he thought Mr. Hart was playing games. Mr. Hart noted the Township had a 4' and a 3' piece of pipe. At this time, Chairman Gindlesperger informed Mr. Zuccolotto he had one more minute to speak. Mr. Zuccolotto stated his question was answered, and there were higher people than himself or the Supervisors looking into this matter, and what ever they did was fine. He stated it cleared him because what bothered him was something he wanted to do when he was a Supervisor and was prohibited to do, was now being done by these Supervisors, and he wanted to know how. Mr. Zuccolotto stated that Mr. Hart also said he did not get a check for pipe from his father. Mr. Hart said Mr. Zuccolotto had asked him about the pipe that was presently there, which was not the pipe his father had purchased. Mr. Zuccolotto stated that was a technicality.

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At this point, Mr. Zuccolotto addressed Chairman Gindlesperger by saying that he was a disgrace to the Township, indicating that Mr. Gindlesperger did not live in the Township, and even if he did now, that did not make it legal. Mr. Zuccolotto felt he should be ashamed of himself. Mr. Zuccolotto asked how could Mr. Gindlesperger put out a campaign letter such as he did about him, and turn around and not be of service to this Township; then have the audacity not to live in the Township and still take his pay. Mr. Zuccolotto stated Mr. Gindlesperger was probably serving the Township less than any Supervisor in his experience of living in this Township. Mr. Hart stated that Mr. Gindlesperger's pay was only for the meetings he attended, which was the only pay Mr. Hart ever had for the meetings he attended for the first two years he was Supervisor.

Clarence Hart of Davidsville wanted to follow up on the comments Mr. Zuccolotto made about two pieces of pipe being on his property. He stated there was never two pieces of pipe, and it was not on his property – he did not own that property, and he did not buy the pipe. Mr. Zuccolotto stated he had pictures of the pipe.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **CENTRAL WESTMORELAND C.O.G. AGREEMENT:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to become an Associate Member of the Central Westmoreland Council of Governments at a cost of \$130.00, and to approve an Agreement to participate in the CWCOG vehicle purchasing program for the lease of two 2005 police cruisers for a two-year period. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **RESOLUTION R08-05 (GREEN SUBDIVISION):** There was a motion Mr. Hart, seconded by Mr. Kauffman, to adopt Resolution R08-05 to revise the Township's "Official Sewage Facilities Plan" to include the J. L. Greene Subdivision Sewage Facilities Planning Module Component 2, as reviewed by the Conemaugh Township Sewage Enforcement Officer, the Conemaugh Township and Somerset County Planning Commissions, and to approve and submit the planning module to the PA Department of Environmental Protection. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **SOLICITOR FOR UCC APPEALS BOARD:** The Township's Uniform Construction Code Appeals Board should have a solicitor. An appointed Township Solicitor is not permitted to serve in this position, but a Zoning Hearing Board solicitor may serve the UCC Board. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to appoint Jeffrey L. Berkey as Solicitor for the Conemaugh Township Uniform Construction Code Appeals Board. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

TIRE HILL SEWER PROJECT:

1. **CHANGE ORDER # 1 (CONTRACT 1):** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve Change Order # 1 for Contract 1 in the amount of \$26,880.40 to

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increase the size of the Control Building to provide adequate space to accommodate the proposed blowers, contingent upon DEP approval. Ben Faas of The EADS Group was asked to explain this Change Order. He stated that as the project was bid it did not allow enough room for maintenance or even construction of the blowers; therefore, the size of the Control Building needed to be increased. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **CHANGE ORDER #6 (CONTRACT 5):** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve Change Order #6 for Contract 5 in the amount of \$74,582.00 for an increased unit price for additional depth for State highway trench pavement restoration and the replacement of wedge curb that was constructed after the project was bid. Solicitor Beener asked Mr. Faas if this was the bid unit price. Mr. Faas stated that the bid unit price for trench restoration was \$34.00. He noted that the original bid did not have a unit price for the additional depth, but there was one now. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **PENNVEST PAY REQUEST #7:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve PennVEST Pay Request #7 in the amount of \$1,264,592.81 as presented. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **ANNOUNCEMENT:** Field personnel will be in the Benscreek, SR 403, and North Fork areas in the coming weeks to gather information for the Phase II Sanitary Sewer Project. Field personnel may attempt to contact residents to participate in the Needs Survey and to inquire about the location of the on-lot septic service facilities and septic failures.

5. **UPDATE SEWER PROJECT:** Ben Faas of The EADS Group stated that the project continued move along smoothly. He stated Contract 5 - Sewer Lines, was approximately 58% complete, and the plant general contract was approximately 44% complete. Mr. Faas noted they were receiving relatively few complaints, and if anyone had a complaint they could contact the job trailer located in the Township's municipal parking lot.

ITEMS FOR DISCUSSION:

1. **WHITEWATER PARK R-0-W AGREEMENTS:** Solicitor Beener stated there were six Whitewater Park development rights-of-way that needed to be approved for execution so that the project could move forward. There was a motion by Mr. Hart, seconded by Mr. Kauffman, authorizing the Supervisors to execute six Whitewater Park development rights-of-way for recording. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **COMPREHENSIVE TRAFFIC ORDINANCE:** Solicitor Beener stated there had been a discussion regarding a comprehensive, all-inclusive traffic ordinance that would cover a lot of traffic issues, including parking. He noted the Supervisors had invited the residents to bring to their attention any roads or areas where they might want some expanded traffic issues addressed. Solicitor Beener indicated he would prepare a draft ordinance based on what he had for the next Supervisors' meeting, and it could be reviewed at that time for items to be added.

3. **CTMA EXTENSION:** Solicitor Beener stated there had been a request pending for a few months and under discussion from the Conemaugh Township Municipal Authority

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concerning the extension of their corporate existence. He indicated their initial request was to extend their life for the maximum term of 50 years. Solicitor Beener noted there had been a good bit of conversation back and forth between the Supervisors and the CTMA, and their solicitors. He felt the Supervisors had made their concerns well known, and he thought they were well understood by the CTMA members. Solicitor Beener stated the CTMA had renewed their request to extend their corporate existence for a more limited period of time to 15 years. Mr. Hart stated the Supervisors had listened to the CTMA last week, and he was more impressed with the attitude they had with projects being completed. He indicated the sewer project was moving forward, and obviously the water needed to move with it for the Township's infrastructure. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to extend the corporate existence of the Conemaugh Township Municipal Authority for 15 years. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, August 17, 2005 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Kauffman, to adjourn the meeting at 7:51 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer