

MINUTES OF REGULAR MEETING OF NOVEMBER 16, 2005

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:02 p.m. on November 16, 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:

Al Meeleib of 204 Chestnut Street wished to address three issues: 1) Mr. Meeleib stated that the dirt alley by his residence, which ran past the Lion's Club, was extremely dusty due to the frequent traffic by customers of the numerous businesses in that area. He noted the CTMA had placed modified in the potholes in the alley and made matters worse since the traffic moved faster now, causing even more dust. Mr. Meeleib wanted to know what the status was on the waivers signed in order to have the Township pave this alley. 2) Mr. Meeleib requested the speed limit on Rte. 403 through Davidsville be reduced from 35 mph because of all the businesses and school children in the area, noting that drivers were speeding. 3) Mr. Meeleib requested a jake brake ordinance for the Davidsville area.

Mr. Kauffman informed Mr. Meeleib that another resident of Davidsville had recently requested a jake brake ordinance for the Davidsville area, and he had talked with PennDOT of Hollidaysburg who had said if there was more than a 4% grade there could not be a jake brake restriction for safety reasons. He stated the matter was being looked into further.

Mr. Hart informed Mr. Meeleib a speed study was already conducted by PennDOT in the Davidsville area, and they had rejected the reduction of the speed limit from 35 mph. He stated PennDOT said a speed limit below 35 mph would never be posted on a three-digit state road. Chairman Gindlesperger stated the Township police could monitor the speed more closely in that area.

Mr. Hart further informed Mr. Meeleib the forms regarding the waivers for the alley he spoke about were with Tammy Watt. He stated that the Township would need 100% of everyone located along that alley in order for the Supervisors to bring it up to Township specifications. Mr. Hart suggested Mr. Meeleib pursue the issue with Tammy Watt. Mr. Meeleib wanted to know why there was no such conflict when paving the alleys in Jerome. Mr. Hart noted that was before his time here. At this point, Ernest Spory, a Township resident, stated he felt it was because the alleys in Jerome were owned by the Township, but the alley Mr. Meeleib was speaking of was a private alley. The Supervisors indicated that Mr. Spory was correct. Mr. Meeleib stated he would be pursuing this matter further.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of October 12, 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 November 2005 in the amount of \$71,256.19 for the General Fund, \$1,383.67 for the Liquid

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Fuels Fund, and \$110,324.33 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 October 2005 for Conemaugh Township and Benson Borough were read. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the police reports for the month of October 2005 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:

Al Wassil of 517 Welsh Valley Road wanted to inform the Supervisors of a safety issue regarding a barbed wire fence installed by David Miltenberger in his neighborhood. He stated there were more than ten young children, along with a special needs child, living in this area adjacent to the Menoher Swim Club, which was owned by Mr. Miltenberger. Mr. Wassil said the fence installed by Mr. Miltenberger was neck high to the children and contained six strands of barbed wire. He stated they do not object to the fence, but to the choice of fence, indicating there were no animals on Mr. Miltenberger's property, and also the fence did not go around the entire property. Mr. Wassil felt Mr. Miltenberger installed the fence in retaliation because the neighborhood attended a zoning variance hearing to object to a plan Mr. Miltenberger presented to erect storage buildings on his property; the variance was turned down by the Township's Zoning Hearing Board. Mr. Wassil stated this was a safety concern for the kids and he was requesting the Supervisors' assistance. Mr. Hart indicated the Supervisors would review this matter further.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **2006 PROPOSED BUDGET:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the proposed 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. Mr. Gindlesperger explained that the need for the tax increase was due to the landfill no longer accepting out-of-state garbage, noting the tipping fees were down by \$300,000.00 this year. He also stated the landfill had sold their tipping scales. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **ADVERTISE TRUCK FOR SALE:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to advertise for bids for the sale of a 1995 one-ton Dodge truck with aluminum bed and plow/spreader; to be sold as-is. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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3. **RESOLUTION R11-05:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adopt Resolution R11-05 declaring the Conemaugh Township Supervisors' intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993. Mr. Hart stated this resolution was being adopted because there was approximately 2 tons of old files/records in the attic dating back 27 years that needed to be disposed of. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
4. **UPPER YODER TOWNSHIP SNOW REMOVAL AGREEMENT:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve a snow removal agreement for the winter season of 2005-2006 with Upper Yoder Township for removal of snow on Coon Ridge Road within Conemaugh Township for a cost of \$1,500.00. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

TIRE HILL SEWER PROJECT:

1. **PENNVEST PAY REQUEST #11:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve PennVEST Pay Request #11 in the amount of \$312,786.58 as presented. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
2. **CHANGE ORDER #7:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve Change Order #7 in the amount of \$11,375.35, which consists of the addition of a scratch coat within State Road Overlay Areas, the removal of an existing 6" carrier pipe and installing an 8" carrier pipe in its place, and three work orders required for the relocation of existing waterlines that conflicted with the installation of the sanitary sewers. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
3. **UPDATE SEWER PROJECT:** Ben Faas of The EADS Group stated the project was 81% complete overall. He stated concrete work and work on the inside of the building was being done on Contract #1. Mr. Faas stated Contract #2 was 59% complete and work was being done on controls. He said the plumbing was 66% complete, and work would begin soon on the HVAC; Contract #5, sewer lines, was 79% complete—work was going back and forth between the sewer and water lines. Mr. Faas noted that paving was complete except for a small portion on Soap Hollow Road, which would be finished next year, and restoration would also be completed next year. He further indicated that an issue concerning power to the plant with Penelec should be completed soon.

ADDITIONAL PUBLIC COMMENT:

At this point, Chairman Gindlesperger asked if anyone else would like to speak.

David Miltenberger of Old Ligonier Pike wished to respond to the earlier comments made by Mr. Wassil regarding his fence. He stated he has been “babysitting” the kids in that neighborhood for years and he did not want them trespassing on his property anymore. Mr. Miltenberger felt the road was more dangerous than his fence and the parents should use the same means to keep them from his fence as they do from the road. He further noted that their dogs came over to his property also. Mr. Miltenberger stated he did not like these people and wanted them to stay off his property. He indicated one neighbor did have a fence up, but it was

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on his property and they were made to take it down. He also stated that they have cut his fence and that they were not worried about the kids. Mr. Miltenberger said the kids were riding four-wheelers on his property and they tore up his ground. He stated one wrecked and they were trying to sue him now. Mr. Miltenberger said he would be putting more fence up around his entire property.

Al Wassil stated no one was disputing the fence, but they were disputing the safety of the barbed wire. He further noted no one would be in the swim club.

A woman resident stated that not one child had been on Mr. Miltenberger's property since January—they were not allowed, but she did not want to see a child fall into the barbed wire fence and cut a jugular. She wanted him to put up a reasonably safe fence.

Another woman resident stated she had a three-year old son and her property slopes toward the fence. She was worried that he son would chase a ball into the fence. She stated they had a fence up, but was told to remove it by Mr. Miltenberger's lawyer because it was on his property. Mr. Miltenberger offered to buy the materials for this woman to install her fence.

R. Kordell of Old Rocky Road stated the engineer for the sanitary sewer project was showing a road where there was no road—Old Rocky Road was a private road. He further stated that five out of the seven homes along this road do not want the sewers. Chairman Gindlesperger stated the Supervisors would check into this matter with the engineer.

At this time, the Supervisors went into an Executive Session at 7:38 p.m. in order to discuss a personnel matter and returned at 7:45 p.m.

ITEMS FOR DISCUSSION:

1. Solicitor Beener stated the real estate tax appeal regarding the landfill had been resolved and everything had been concluded.
2. **RESOLUTION R12-05:** Solicitor Beener presented a resolution he received from The EADS Group regarding Phase II of the Tire Hill Sanitary Sewer Project and the plan revision approving the Act 537 Special Study. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt Resolution R12-05 to approve the Act 537 Special Study revision to the "Official Sewage Facilities Plan" for submittal to DEP. 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, December 21, 2005 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Kauffman, to adjourn the meeting at 7:48 p.m.
Submitted by,

David A. Hart, Secretary/Treasurer