

MINUTES OF REGULAR MEETING OF JULY 19, 2006

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:01 p.m. on July 19, 2006 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.

REVIEW OPEN PUBLIC COMMENT POLICY:

Chairman Gindlesperger read the Township's Open Public Comment Policy, which had been adopted by the Supervisors at their Board meeting of April 14, 2004, and is as follows:

CONEMAUGH TOWNSHIP SUPERVISORS **OPEN PUBLIC COMMENT POLICY**

The Conemaugh Township Supervisors have a variety of responsibilities as government officials and recognize their obligation to obtain and the benefits to be received from public comments on matters pending before the Supervisors. To provide an orderly and efficient manner to obtain public comment and to provide the public with an opportunity to participate in the meetings of the Supervisors, the Supervisors hereby adopt the following policy for public comment.

OPEN PUBLIC COMMENT

A. So as to permit the Supervisors to complete their regular business in a timely fashion, an open public comment period not to exceed thirty (30) minutes shall be provided at the beginning of each advertised, regular Supervisors meeting. In the event that the open public comment period exceeds thirty (30) minutes, any member of the Board of Supervisors may bring to the attention of the Chairman that the time period has been exceeded and the time period may thereafter be extended only upon majority vote of the Supervisors present.

B. Public comment shall be primarily for residents of Conemaugh Township, Somerset County, Pennsylvania. Non-residents shall be permitted to speak only if no residents
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are present or if there is additional time remaining during the public comment period. All persons addressing the Supervisors must identify themselves and give their current residence address.

C. So as to permit maximum public comment and input, no individual speakers shall be permitted to speak for more than five (5) minutes regardless of topic and no time may be transferred or assigned by others to the speakers so as to extend the five (5) minute time limit.

D. It shall not be the normal practice of the Supervisors to give responses or answers to issues or questions raised during the open public comment period, either by the Supervisors or by employees of the Supervisors. Any questions or issues raised will be referred to the appropriate individual for review and response. This provision shall not preclude the Supervisors from responding to question requiring brief answers or information.

E. In the event that persons shall wish to address the Supervisors requiring additional time beyond the thirty (30) minute open public comment period, the Supervisors may either

defer public comment until the end of the regular agenda for an additional public comment period not to exceed thirty (30) minutes or may scheduled a special or subsequent meeting for the purpose of obtaining additional public comment.

F. Public comment may be stopped in the discretion of the Chairman of the meeting if defamatory or slanderous comments are made and additional comment by the speaker may be disallowed. Any member of the Board of Supervisors may request a vote of the Board of Supervisors to overrule the decision of the Chairman to permit additional comment by the speaker. **ADOPTED APRIL 14, 2004**

FLOOR OPENED TO PUBLIC COMMENT:

None.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of June 21, 2006. 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 July 2006 in the amount of \$48,951.51 for the General Fund, \$1,362.21 for the Liquid Fuels Fund, and \$127,583.43 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 June 2006 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 2006 for the Township and Benson Borough. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

MINUTES OF JULY 19, 2006 MEETING CONTINUED.

PERSONS TO BE HEARD:

1. **Rick Shrader** of 300 Bliss Street, Johnstown, member of the Hilltop AYSO Board, was in to discuss and to put on record the shooting incident that occurred on June 24, 2006 at Kidsport during their soccer tournament where a young boy was shot in the shoulder. Mr. Shrader stated the Hilltop AYSO has been a customer of Kidsport since its inception, has always felt it was a relatively safe environment, and want it to remain as such. He noted it was not uncommon to hear gunshots in the woods surrounding Kidsport, but they never thought anything of it. Mr. Shrader stated they would like to go back to play at Kidsport and know that no one would get shot again. He asked if the Supervisors could give some assurance this had been an isolated incident so they could assure the kids they would be safe. The Supervisors felt it was an isolated incident. Solicitor Beener said he understood Kidsport was owned privately and was leased to various organizations to play soccer there. He was told that was correct. Solicitor Beener asked if there was a shooting range in the area of Kidsport. He was answered, no; the shooting was coming from people in the woods. Mr. Shrader asked if he should be concerned when kids were playing sports and gunshots could be heard. Chairman Gindlesperger stated it

would depend on the caliber of the weapon since there were laws on this, and there were also safety zones, which could be posted by property owners—no shooting was permitted within 150 yards of an occupied residence. Mr. Shrader asked what they could do in the future if they would hear shooting again in the area of Kidsport. It was suggested they could call 911, but the shots could be far off.

Solicitor Beener reiterated that safety zone issues were the responsibility of the property owners. Mr. Hart suggested they could pay for a Township police officer to patrol the private facility of Kidsport during games. Solicitor Beener felt this was an awareness issue. Mr. Hart noted nothing could be guaranteed, it was an isolated incident—they should go play soccer. Solicitor Beener said posting a safety zone could be of some value and if they thought of anything else, to let the Supervisors know.

Brian Weinzierl of 508 Ligonier Pike wanted to know if perhaps a weapons/guns education campaign could be started within the community. Chairman Gindlesperger noted the Game Commission already had gun safety courses in place. He further suggested Mr. Weinzierl contact the local sportsmen's groups to hold safety or training sessions. Mr. Weinzierl asked if the Supervisors would support this. Mr. Hart answered, yes, as long as Mr. Weinzierl would head it up. Mr. Weinzierl asked Solicitor Beener if there was any way the Township could have safety zones by legislation. Solicitor Beener noted the Game Commission already had that in place. Mr. Weinzierl referred to a local borough that had a safety zone cited. Solicitor Beener said it could be a borough ordinance, he would check into it. He further suggested Mr. Weinzierl check with the local rifle ranges; also, this could be passed on to the Conemaugh Township Recreation Commission.

2. **Keith Kauffman** of 103 Starvis Lane informed the Supervisors he owned two separately deeded properties, and the new sewer line came to his first deeded property and stopped. He asked if he had to apply for an easement to get a tap, even if it was on his property. Chairman Gindlesperger replied that if the tap were on his other deeded property, it would be extended up to the deeded property where his residence was located.

CORRESPONDENCE:

None.

MINUTES OF JULY 19, 2006 MEETING CONTINUED.

OLD BUSINESS:

1. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan pending setting of property owner signatures and pending receipt of favorable Somerset County Planning Commission comment; (favorable comment had been received). Solicitor Beener stated this was part of the new Phase II of the sanitary sewer project and it could be approved contingent upon the signatures. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision plan for Dunlo Realty, Inc., property owner, and Conemaugh Township, applicant, to create a parcel containing approximately 0.0289 acres to be utilized as part of a parcel being created for Conemaugh Township's public sewage system pump station, contingent upon signatures of property owner. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan pending setting of property owner signatures and pending receipt of favorable Somerset County Planning Commission comment; (favorable comment had been

received). Solicitor Beener stated this was the same as the one listed above and was okay to approve contingent upon signatures. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Scott D. & Hollie A. Griffith, property owners, and Conemaugh Township, applicant, to create a parcel containing approximately 0.033 acres to be utilized as part of a parcel being created for Conemaugh Township's public sewage system pump station, contingent upon signatures of property owners. Roll call vote: Mr. Kaufman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

NEW BUSINESS:

1. **APPOINTMENT OF PROJECT COORDINATOR:** Mr. Hart stated a letter was received from DCNR awarding a \$120,000.00 grant to the Township from the Community Conservation Partnerships Program for the Stonycreek Whitewater Park Development, Park Rehabilitation and Development Project. Mr. Hart said that a project coordinator would be needed for this Project—this would be a huge undertaking. Mr. Hart further noted Mike Quinn of the Recreation Commission had indicated his interest in this position. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to appoint Mike Quinn as Project Coordinator for the Whitewater Park Development, Park Rehabilitation and Development Project, contingent upon his acceptance of this position. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan on July 12, 2006. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve and sign the Non-Building Declaration and subdivision plan for Todd G. & Kathleen D. Bates, property owner and applicant, to create Lot #1 containing approximately 5.66 acres and having an existing dwelling and on-lot septic system thereon, with the residue containing approximately 6.28 acres being declared as a non-building lot; all as show on minor subdivision plan prepared by Musser Engineering, Inc. and sealed by Randall L. Musser, P.L.S.. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

MINUTES OF JULY 19, 2006 MEETING CONTINUED.

TIRE HILL SEWER PROJECT:

1. **PENNVEST PAY REQUEST #19:** As of pay request #19, the Township had contributed 100% of the required \$700,000.00 local share, however, PENNVEST will continue to retain the remaining 5% of the PENNVEST funds until final project closeout. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve PennVest pay request #19 in the amount of \$16,627) Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **SUBSTANTIAL COMPLETION CERTIFICATE, CONTRACT #5:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the Substantial Completion Certificate, dated June 1, 2006, for Contract #5, Sewer Lines, which is 95% complete. 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 reported two contracts were still open. Contract #1, General – punch list not complete – restoration, aluminum walkways and handrails. Contract #5, Sewer Lines – the generator has arrived and was set at the Greenhouse Park pump station today. The electric would be connected next week. Punch list not complete – restoration items, survey pins. Substantial completion certificate dated June 1, 2006. Mr. Faas noted all plants were running and the old plants were eliminated.

ITEMS FOR DISCUSSION:

None.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, August 16, 2006 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adjourn the meeting at 7:34 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer