

MINUTES OF REGULAR MEETING OF JUNE 21, 2006

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on June 21, 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.

FLOOR OPENED TO PUBLIC COMMENT:

Russ Friedline, owner of 2252, 2258, & 2268 Krings Street, said he was originally informed he would have to pay for two tap-ins at \$1,500.00 each, but that was subject to change. Later he was informed he had to pay for seven tap-ins at \$1,750.00 each, which he paid. Mr. Friedline stated when the contractor went to tap into the system, there was only one tap put in...he wanted to know where the other six were. Chairman Gindlesperger explained to him that he was paying for EDU's. Mr. Friedline felt that was just a way for the Township to make money. Chairman Gindlesperger stated the State set the guideline limits for this project. Another resident argued the Township did not have to charge as much as they were for the tap-ins, they just could not charge more than the guidelines allowed for. Ben Faas of The EADS Group noted that Act 57 stated the Township could charge up to \$5,000.00 per tap. He the tap-in fees were set based on the local share the Township had to pay on the PennVEST loan. Mr. Friedline felt the Township was "screwing" him.

Ken Dranzik, Property Manager of the Quemahoning Family Recreation Park, said he was objecting to the inclusion of the Quemahoning Family Recreation Park in the proposed Ordinance No. 662 – regulating dogs and domesticated animals, because he did not find dogs to be a problem at this Park. Mr. Dranzik felt the Township should concentrate on enforcing the ordinances already on the books, and the Pennsylvania State Laws. Solicitor Beener noted the Cambria-Somerset Authority Board had requested to be included in this Ordinance, and further stated the dogs would only be prohibited on the beach. Mr. Dranzik was also concerned about the 6' lease restriction, reiterating he was against this Ordinance.

Lou Huber of Soap Hollow Road wanted to know why the septic tanks (in the Tire Hill Sewer Project area) had to be cleaned out and filled with dirt and stone. Chairman Gindlesperger explained septic tanks that were not used could cause a lot of problems. The residents were concerned about the costs implemented on them with for project, including the required pressure testing and possible replacement of their pipes.

Chairman Gindlesperger explained that pressure testing was required to eliminate any future problems with infiltration, indicating that old terra cotta pipes would need replaced. He further stated the Township was considering purchasing a sewer camera to look at the rest of the sewer lines within the Township. There was also some discussion about removing down spouts that were tied into the sewer system.

The residents were upset with tearing up their finished basements to replace pipes that were not bad, indicating they would not do it.

Merle Saylor of 938 Soap Hollow Road said the costs involved were so high between both the sewer and water projects, how could someone on a fixed income afford it...he wanted the shoe put on the other foot. Mr. Hart asked Mr. Saylor if he had applied for the aid available to assist

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low income residents. Mr. Saylor answered that he was not eligible because he had some money in the bank.

Mr. Gardner, contractor, asked if the 60 day time frame for tapping in to the system could be extended if there was a signed contract. Chairman Gindlesperger answered he could come in to the office and request an extension. Mr. Gardner stated that some residences have very “fancy” showers in the basement and he was hesitant to tear them up. He wanted to know if he could tie in right in front of these. Chairman Gindlesperger stated the pipes would have to pass a pressure test. Mr. Gardner asked if someone could pass this along to the residents because he did not want to get yelled at. Chairman Gindlesperger stated he would.

Ernest Spory of 133 Ham Road asked if the septic tanks were closed up, where would the floor drains go. Mr. Hart stated they could be tied into the sewer system. Mr. Spory asked if the floor drains could continue to drain into the septic tanks. Chairman Gindlesperger noted if the septic tanks were not being used, they would block up. Mr. Spory wanted to know if he would have to get his house pressure tested if he would sign something stating that he had all plastic pipes and no terra cotta, noting there needed to be some give and take in this matter. Chairman Gindlesperger stated if the Supervisors would do this, where would it stop.

One resident indicated the new sewer system was great, and it upped the property values, but things were going too far, making problems that were not there before. The Supervisors were asked if they would reconsider the pressure testing. Chairman Gindlesperger answered, no, and that was his final word on that.

Another resident wanted to know who would pay for the damages caused if an oil tank would rupture in a basement and oil would flow into the sewer system. This could cause a homeowner to go bankrupt. There was further discussion concerning closing up the septic tanks. Ken Dranzik noted, from experience, he knew a septic tank would become toxic if not constantly fed.

Joe Stevens wanted to know who was making the rules on this project. He felt Mr. Gindlesperger was hardened against the residents. Chairman Gindlesperger said, no, he had seen problems with these systems before and the Supervisors had rules and regulations to follow. It was also noted that The EADS Group made recommendations to the Supervisors, and the Township adopted the Rules and Regulations.

At this point, Chairman Gindlesperger stated he was stopping this discussion to continue with the Agenda.

Joe Stevens asked if a special meeting could be called to discuss the sewer project. Chairman Gindlesperger stated this could be done. Mr. Stevens then proceeded to explain to the residents present about his past problems with another sewer project done by the Township. Solicitor Beener noted this Board was working with him on this matter and they were waiting for his appraisal. Mr. Stevens further stated when the Supervisors pass the Traffic Ordinance, do not pass it half, take it to its full course.

Steve Biletdeauz of 1021 Blough Road stated the project was a big expense throughout Soap Hollow Road and wanted to know if anyone took a survey on the effect it was having on the retirees. He also had a complaint about the restoration done on his property. Chairman Gindlesperger explained money was withheld on the contractor until there was a final walk-through of the project.

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Dave Williams of Moonshine Hollow Road wanted to know how to file a complaint. Mr. Hart informed him to come to the office to get a complaint form.

A resident wanted to know if PennDOT was installing culverts along Soap Hollow Road. Mr. Hart answered, yes, they were installing some.

Joe Stevens stated he was “worked up” tonight. He wanted to know if Mr. Gindlesperger had moved back into the Township. Chairman Gindlesperger stated he had been living at 132 Bergman Lane in Davidsville since September 2005, and he wanted to know why Mr. Stevens was asking. Mr. Stevens stated if he was not living in the Township, he had no legal right to sit on the Board. Chairman Gindlesperger indicated this was cleared up in September. Mr. Stevens stated he had heard rumors recently that he was not living in the Township. Mr. Stevens questioned the Township supplying police coverage to Stoystown. The Supervisors informed him there would be no additional costs involved; it would save money. Mr. Stevens stated he heard the Township was bankrupt. Chairman Gindlesperger stated the Township’s auditing firm was present to review the Township’s financial condition later on in the meeting. Mr. Stevens further requested that Item J on the Agenda be open to public comment prior to the vote. In a final matter, Mr. Stevens requested a financial report regarding Greenhouse Park, revenue vs. expenses. He was informed this would be available at the next Board meeting.

Another resident informed the Supervisors there was a tree at the corner of Rte 403 and Janet Street that needed to be removed because it was dangerous.

AUDITORS FINANCIAL REPORT:

At this point, Chairman Gindlesperger said Kris Cramer and Scot Hostetter of the Township’s auditing firm, Kline Kimlin, were present to discuss the Township’s financial status. Kris Cramer noted her firm had been auditors for the Township since 1999. She said the Township’s 2005 audit had been completed, and their Executive Summary provided “Unqualified Opinions”, which was the cleanest opinion that could be received on an audit. Ms. Cramer explained they performed test samples of the Township’s receipts and expenditures. She further noted the Township was in compliance with GASB 34. She stated the Township’s financial statements were broken down into two categories: Government Activities, (which were on an acceptable cash basis of accounting), and included the General Fund, Liquid Fuels Fund, Street Light Fund, and Fire Protection Fund; and Business Activities, (which were on the accrual basis of accounting), and included the Sewer Fund. Ms. Cramer stated that looking at the Township’s Balance Sheet across three years (2003-2005), there were no significant increases, everything remained fairly constant. She further stated that revenue for 2003 was 1.9 million, 2004 was 2.45 million, and 2005 was 2.419 million, indicating that there was no tax increases for these three years. In 2004 there was an increase in the Earned Income Tax revenue, (Ms. Cramer noted this was due to some EIT taxes being paid late and being recorded when they were received.), the Landfill Tipping Fees received increased by \$285,000.00, and there were funds received on a lease for the purchase of equipment. In 2005, there was a decrease of \$37,000.00 Earned Income Tax received, and a decrease of \$175,000.00 in Landfill Tipping Fees received. Expenses in 2004 increased by \$464,000.00 due to \$96,000.00 designated to the fire companies, insurance rate increases, a paving project, and equipment purchases. Expenses in 2005 were up by \$74,000.000 due to insurance rate increases and renovations done to the new police station. Ms. Cramer stated the net income (revenue minus expenses) for 2003 was \$29,000.00, 2004 was \$112,000.00, and 2005 was \$1,300.00. She noted the Real Estate Taxes were steady.

At this time, someone asked why the fire companies could not keep receiving the 1 mill of tax

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donation. Mr. Hart stated that was designated only for 2004.

Ms. Cramer stated the only options available to a government entity to control a budget would be to either cut expenses or raise taxes, noting it was too late to raise taxes midyear, so the Supervisors would need to cut expenses for this year. She further stated the Township was in the black, but would have to react to avoid going into the red.

A resident asked if there was a millage increase proposed yet. Mr. Hart answered, no. Someone asked if there was an increase, could the fire companies have some money. Mr. Hart said he would like to let the general public decide on that. He wanted to ask the public specifically if they wanted the taxes raised to give to the fire company.

Ms. Cramer continued on with the Sewer Fund financial status, stating the net income for that Fund for 2003 was \$8,400.00, 2004 was \$60,440.00, and 2005 was \$183,680.00. She noted the PennVEST loan for the sewer project was at a very good interest rate of 1% and the sewer rates and tap-in fees were set so the Township would be able to pay on this loan, otherwise the Township would never have received a loan of this type. If payments could not be made, the rate would be lost, the loan would have to be paid back immediately and it would cost the Township millions.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of May 17, 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 June 2006 in the amount of \$133,488.22 for the General Fund, \$3,328.40 for the Liquid Fuels Fund, and \$228,953.33 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

POLICE REPORT:

The police report as submitted by Chief Howard Jackson for the month of May 2006 for Conemaugh Township was read. (None was received for Benson Borough.) There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the police report for the month of May 2006 for the Township. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

1. **Roy Blough** was scheduled to speak concerning street lights on lower Moonlite Park Road, but he rescinded speaking stating he could see the Supervisors had much more difficult problems to deal with at this time.

CORRESPONDENCE:

1. A letter was received from the Conemaugh Township Planning Commission Ordinance Review Committee requesting the revision of the Conemaugh Township Subdivision and Land Development Ordinance be budgeted in the 2007 budget. Dave Mallett, Chairman of the

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Ordinance Review Committee stated he had discussed this last year, but there were no funds in the budget, so he would like this considered in the 2007 budget. He noted this Ordinance was last revised April 5, 1974. Mr. Hart asked him if he had a cost on this. Mr. Maldet felt the preliminary study would cost approximately \$5,000.00, but that would not include the actual updating. Mr. Hart stated this request would be placed in the 2007 budget folder to be considered. Mr. Maldet said he would try to come up with a more realistic figure.

OLD BUSINESS:

1. **CTMA AMENDMENT TO ARTICLES OF INCORP:** Joe Stevens reminded the Supervisors he wanted a discussion on this matter first. Mr. Ed Hart, Conemaugh Township Municipal Authority Board member, explained to Mr. Stevens this amendment dealt with the Roberts Rules of Order, and a new rule that was not originally in the Articles of Incorporation. Solicitor Beener noted when the Articles of Incorporation were first adopted, this rule would not have been in existence. There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to approve the proposed amendment to the Conemaugh Township Municipal Authority's Articles of Incorporation to change the language outlining the qualifications for its members. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – yes. Motion carried unanimously.

NEW BUSINESS:

1. **ORDINANCE NO. 661:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt Ordinance No. 661 regulating traffic, parking, and use of roads, streets, drives, and bridges within Conemaugh Township. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **ORDINANCE NO. 662:** There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adopt Ordinance No. 662 prohibiting or controlling dogs and domesticated animals on or within the Hollsopple Baseball Field, Greenhouse Park, and the Quemahoning family recreation park. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes, and Mr. Kauffman – yes. Motion carried unanimously.

3. **RESOLUTION R01-06:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adopt Resolution R01-06 designating the National Incident Management System (NIMS) as the basis for all incident management in Conemaugh Township. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan pending setting of property owner signatures. This was a subdivision plan for Dunlo Realty, Inc., property owner, and Conemaugh Township, applicant, to create a parcel containing approximately 0.03 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. Solicitor Beener indicated this matter would have to be deferred at this time because it was not signed.

5. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan pending setting of property owner signatures. This was a subdivision plan for Scott D. & Hollie A. Griffith, property owners, and Conemaugh Township, applicant; to

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create a parcel containing approximately 0.04 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. Solicitor Beener indicated this matter would have to be deferred at this time because it was not signed.

6. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan pending receipt of the Sewage Facilities Planning Module Mailer approval by DEP. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve and sign the Sewage Facilities Planning Module Mailer and to approve the subdivision plan for Lydia C. Naugle (Thomas), property owner and applicant, to create Lot #2, currently undeveloped, containing approximately 1.179 acres with residue Lot #1 containing approximately 0.884 acres, contingent upon receipt of the Sewage Facilities Planning Module Mailer approval by DEP.

Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

7. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan of Jeffory T. & Mary F. Bunk, property owner and applicant, to create Lot #57A containing approximately 0.0689 acres from the existing Lot #57, property map no. S12-074-057-00, currently undeveloped, with residue Lot #57B containing approximately 0.2755 acres; Lot #57A being expressly created to be merged with adjoining Lot #46 (property map no. S12-074-046-00) also owned by Jeffory T. & Mary F. Bunk. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

8. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved the subdivision of Lots 1, 2, & 13 pending receipt of a minor subdivision plan acceptable to the Conemaugh Township Planning Officer, Ron McGee, and receipt of Sewage Facilities Planning Module Mailer approval by DEP. This is the first phase of a proposed 13 lot residential subdivision, with the remaining 10 lots being part of a major subdivision to be resubmitted to the Conemaugh Township Planning Commission. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve and sign the Planning Module Mailer and to approve the subdivision to create Lots 1, 2 & 13, all fronting on existing Hillcrest Avenue, pending receipt of the Sewage Facilities Planning Module Mailer approval by DEP, and receipt of an acceptable minor subdivision plan only for Lots 1, 2 & 13. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

9. **SEWAGE FACILITIES PLANNING MODULE MAILERS:** There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to grant David A. Hart the authority to sign all acceptable Sewage Facilities Planning Module Mailers on behalf of the Township so that the submission of the Planning Module Mailers to DEP would be handled more expeditiously, in lieu of waiting for approval at a Supervisors' meeting. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – yes. Motion carried unanimously.

TIRE HILL SEWER PROJECT:

1. **PENNVEST PAY REQUEST #18:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve PennVest pay request #18 in the amount of \$73,756.58, as presented, which includes \$23,060.59 contributed to the required \$700,000.00 Local Share. (As of this pay request, the Township has contributed the entire \$700,000.00.) Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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2. **CHANGE ORDER # 3, CONTRACT #2:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve Change Order # 3 for Contract #2, Electrical, in the amount of \$456.53. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **SUBSTANTIAL COMPLETION CERTIFICATE, CONTRACT #2:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the Substantial Completion Certificate, dated May 24, 2006, for Contract #2, Electrical, which is 100% complete. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **SUBSTANTIAL COMPLETION CERTIFICATE, CONTRACT #3:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the Substantial Completion Certificate, dated May 4, 2006, for Contract 3, HVAC, which is 100% complete. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **UPDATE SEWER PROJECT:** Ben Faas of The EADS Group reported three of the five contracts were complete. Money will be held on Contracts 1 & 5 for incomplete punch list items. Restoration would be completed in approximately one week, but the contractor would return to fix anything needed. Mr. Faas noted all work should be completed within 60 days, but there was a maintenance bond for one year.

ITEMS FOR DISCUSSION:

1. Request from the Conemaugh Township Fire Company to have the paid rental fees for their Wing Blast at Greenhouse Park refunded. Chairman Gindlesperger read this letter, which stated the Wing Blast was one of their biggest fundraisers and the money spent to rent the Park would be best utilized in raising their new community social hall. Terry Reparsic of the Conemaugh Township Volunteer Fire Company stated residents were big financial supporters of the Fire Company, but they were burdened by the extra costs involving the sewer project, therefore they were requesting this rental fee to be refunded. It was noted the Wing Blast was four weekends in July, and the CTVFC paid \$2,000.00 plus the \$200.00 refundable clean up deposit. Mr. Hart said he was hesitant to start a trend where non-profit organizations would have free rentals at Greenhouse Park because of the upkeep costs to the Township. Chairman Gindlesperger suggested the consideration of refunding ½ of the fee paid. Mr. Reparsic suggested the fire company could pay for the electric and water. Mr. Hart noted there also was an additional cost of \$200.00 per week during Wing Blast for extra cleaning to the port-a-johns also. Mr. Reparsic requested a breakdown of the costs involved for the Township at Greenhouse Park during Wing Blast. Chairman Gindlesperger suggested setting up a meeting to further discuss this matter.

At this point, the Supervisors went into an Executive Session at 8:50 p.m. to discuss personnel matters. They returned at 9:04 p.m.

There was a motion by Mr. Kauffman, seconded by Mr. Hart, for the Township to switch to UPMC for health care insurance coverage, effective August 1, 2006. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, July 19, 2006 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adjourn the meeting at 9:06 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer