

MINUTES OF REGULAR MEETING OF OCTOBER 25, 2006

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:08 p.m. on October 25, 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:

Ed Holsopple of Johnstown said he had sent a letter to the Supervisors requesting that they approve the changing of the spelling of Hollsopple back to being spelled with one "l". Chairman Gindlesperger stated this would be discussed under New Business.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of September 20, 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 October 2006 in the amount of \$188,029.04 for the General Fund, \$4,264.25 for the Liquid Fuels Fund, and \$48,625.22 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 September 2006 for Conemaugh Township was read. The report for Benson Borough was not available at this time. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the police report for the month of September 2006 for the Township. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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At this point, Chairman Gindlesperger read a letter from the Township's Zoning Officer, Ron McGee. (This letter was dated October 25, 2006 and was sent to the Technical Services Division of DEP, Bureau of District Mining Operations.) The letter stated the Township's Zoning Ordinance restricted surface mining operations to R-R (Rural Residential) and I-H (Heavy Industrial) zoning districts within Conemaugh Township. It further stated surface mining operations were not permitted within an R-2 zoning district in Conemaugh Township, which precluded offices, staging areas, storage areas, stockpile areas, and any other activity for surface mining operations. The letter noted that Spangler Mine (Site ID 671266) in Jenner Township abutted the Spangler Reserve (Site ID 657814) located in Conemaugh Township. It also said the Township did not recall having been contacted for comment in regard to the Spangler reserve. Finally, the letter stated that Conemaugh Township would pursue whatever legal means available to it to prevent surface mining operations in zoning districts where such mining was prohibited, and requested that DEP deny any request for surface mining operations permit in Conemaugh Township in the Jerome area.

PERSONS TO BE HEARD:

David Garman & David Garman, Jr. were scheduled to be heard concerning building permits, but were not present.

Joe Stevens of 126 Stevens Lane, Hollsopple, said he had a few questions for the Supervisors. He wanted to know whom he could contact regarding who paid and how much in the area of his residence during the sewer project that was done there. Mr. Hart said he could get that information from the Township's sewer office. Solicitor Beener also suggested checking with the courthouse.

Mr. Stevens asked Solicitor Beener if he knew of any laws on the books regarding illegal taking of land without permission of the property owner. Solicitor Beener informed Mr. Stevens that he had talked privately about this matter with him and he knew the answer. Mr. Stevens stated he would discuss this further with Solicitor Beener when he meets privately with him.

Mr. Stevens asked if he could make comments on Item L, 1, 2, and 3 on the Agenda. The Supervisors stated he could make any comments at this time.

1. Mr. Stevens wanted to know how much the cost overrun was on the Tire Hill Sanitary Sewer Project, referring to the numerous change orders that were approved on this project, and stating that the change orders and cost was excessive. The Supervisors explained to Mr. Stevens that it was normal procedure to have various change orders during a project due to unforeseen occurrences. Tom Reilly from The EADS Group noted that the change order for approval tonight was a negative amount.

2. Mr. Stevens wanted to know if monies would be held concerning payments to the contractors on the sewer project until all work was satisfactorily completed. The Supervisors answered, yes, money was still being withheld on the contractors.

3. Mr. Stevens wanted to know if the Supervisors were going to state when bidding out the five new contracts for the sewer project that they were not going to permit cost overruns. The Supervisors again explained to Mr. Stevens that projects always have change orders due to unforeseen happenings, and also noted not all change orders were approved. Mr. Stevens again stated he felt the cost overruns on the current sewer project were very, very high. Mr. Hart
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informed Mr. Stevens that he had talked to the engineers today and they had informed him the project was actually approximately \$60,000 under the estimated cost. Mr. Stevens stated he was happy with that.

Joe Baldwin of 102 Fifth Street, Jerome was in with a group of residents from Jerome to discuss the proposed mining operation off Hill Street. He thanked the Supervisors for the letter from Ron McGee regarding this matter. Mr. Baldwin turned the floor over to his wife, Denise, who had been investigating this issue. Mrs. Baldwin informed the Supervisors of her findings in Somerset. She noted that the Spangler mining operation was within a ½ mile radius of the Jerome homes near the site, and wanted to know if the Township had received anything regarding blasting. The Supervisors answered, no. Mrs. Baldwin stated an inspector was going to measure the distance from their homes to the blasting area next week, and she would advise the Supervisors of the findings on this. She said they were also concerned about contamination of water, and wanted to know if the Supervisors addressed this issue. The Supervisors answered, no. Chairman Gindlesperger noted that the proposed mining operation was still preliminary. Solicitor Beener informed the group that the Supervisors could only control zoning matters in regard to the mining operation since it was located in Jenner Township. It was noted

the zoning ordinance said the mining operation could not impact Conemaugh Township residents. Solicitor Beener suggested they contact DEP directly about their concerns in writing, and they should do it immediately. The group asked if the Supervisors could write letters on their behalf to DEP explaining the situation. Solicitor Beener reiterated that the Supervisors only had authority over zoning and nothing else, and that the Supervisors had just sent a letter to DEP today, as was read earlier in the meeting. Mr. Hart stated that Mr. Baldwin had just alerted the Supervisors to the potential problem, the Supervisors acted immediately and sent this letter to DEP today. A copy of this letter was provided to the group.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. **PAUCC INSPECTION AGENCY:** Mr. Hart stated he had met with the Middle Department Inspection Agency (MDIA) and they presented a proposal to administer the PA Uniform Construction Code (PAUCC) enforcement for the Township. At the last board meeting, the Supervisors approved a motion to have the Cambria-Somerset COG handle this, but after the meeting with MDIA, it was found that it would cost the Township nothing for the service from MDIA, and over \$2,600 for COG.

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to rescind the motion made at the September 20, 2006 meeting approving the Cambria-Somerset COG as administrators of the PAUCC enforcement for the Township; and to approve the Middle Department Inspection Agency be the administrators of the PA Uniform Construction Code enforcement for Conemaugh Township. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

NEW BUSINESS:

At this point, the Supervisors discussed a letter received from Ed Holsopple of Johnstown requesting that the spelling of the village of “Hollsopple” be changed back to its original spelling

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of “Holsopple” with only one “l”. Mr. Holsopple was present and informed the Supervisors Representative Yewcic had told him all that was needed to change the spelling was a motion from the Supervisors. Solicitor Beener asked Mr. Holsopple if this could be deferred to the next meeting. Mr. Holsopple answered, yes. Joyce Graham wanted to know how this change of spelling could affect her legal papers, and 911 addresses. It was noted that the spelling used to be with one “l” approximately 15 years ago. Mr. Holsopple said the reason for the request to change the spelling back to one “l” was to restore historical integrity. There were some question as to whether this would also affect driver licenses and deeds. Solicitor Beener stated he would like more time to look into this further. Mr. Holsopple noted that the Postmaster had told him it would be no problem also. Chairman Gindlesperger stated this request would be tabled until the November 15, 2006 meeting.

1. **PENSION PLAN DEPOSIT:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to ratify the September 28, 2006 deposit of \$57,761.37 into the Non-Uniform Pension Plan, and \$20,507.22 into the Police Pension Plan with Mass Mutual Retirement Services, which represents more than the minimum municipal obligation of \$72,223.00 to the Plan for the year

2006. (\$78,268.59 received from State Aid; \$0.00 from General Fund). Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **FOREIGN FIRE RELIEF FUND DISTRIBUTION:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to ratify the September 28, 2006 distribution of the 2006 Foreign Fire Relief Funds in the amount of \$40,846.74 as follows: Krings Volunteer Firemen Relief Association (CT Fire Co.) - \$10,211.69; Ideal Volunteer Firemen's Relief Association - \$10,211.69; Jerome Volunteer Firemen's Relief Association - \$10,211.69; and Community Volunteer Fire Company of Hollsopple Relief Association - \$10, 211.67. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **MINOR SUBDIVISION REVISION:** The Conemaugh Township Planning Commission approved this plan 10/10/06. A NPDES permit was issued. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision plan for Dorsey E. & Joyce Thomas, and the Greater Johnstown Water Authority, owner and applicant, to alter the shape of Lot #1 and access road thereto from that was previously approved by the Commission and Supervisors in May 2006 (previously recorded on 5/23/06 in PBV 25 on Page 89), all as shown on Drawing No. GT-10752 revised 9/16/06 as prepared by Gibson Thomas Engineering Company and sealed by the above surveyor. 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 plan on 10/10/06 contingent upon DEP approval of the Planning Module. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Terri Ann Dovey, owner and applicant, to recreate Lot #7 as a stand alone lot since both public water and sewer are now available, contingent upon receipt of DEP approval of the Planning Module. (Lot #7 was previously merged with Lot #3 via approvals of both the Commission and the Supervisors in April 2006 and recorded in PBV 25 Page 79 on 4/28/06.) Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this plan on 10/10/06; all conditions have been satisfied. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Southern Alleghenies Landfill, Inc.,

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owner, and Raeger Mountain L.P., applicant, to create leased Lot A containing approximately 1.00 acre for the purpose of installation and operation of a landfill gas processing facility, all as shown on Sheets 1 of 2 & 2 of 2 dated 9/26/06 prepared by Benchmark Engineering & Construction Co., Inc., and sealed by the above surveyor. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

TIRE HILL SEWER PROJECT:

1. **CHANGE ORDER #5, CONTRACT #1:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve Change Order #5 for Contract #1 - General, in the amount of (\$2,878.18). Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **PENNVEST PAY REQUEST #21:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve PENNVEST pay request #21 in the amount of \$166,372.39, as presented, with the Contractor pay requests being approved contingent upon DEP and PENNVEST

releasing the remaining 5% of the project costs. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **ADVERTISEMENT FOR BIDS FOR SEWER PROJECT:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the preparation of the advertisement for bids of Contracts 05-S-01, 05-S-02, 05-S-03, 05-S-04, and 05-S-05, which includes two contracts for the sludge dewatering building, and three contracts for the Phase II – Benscreek Sewers. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **PENNVEST FUNDING APPLICATION:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the submission of a PENNVEST Funding Application by the November 29, 2006 cut-off date for the construction of the Sludge Dewatering Building and the Phase II – Benscreek Sewers. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **UPDATE SEWER PROJECT** – Tom Reilly of The EADS Group reported the sewage treatment plant was in operation. Three punch list items remain on Contract 1 – General, which should be completed next week. EADS was still assisting with the customer connection inspections. As of October 20th, 236 customer connections have been made. Contract 5 – Sewerlines - Kukurin had some minor punch list items to complete, which would be done within a week or two. PENNVEST application for Phase II – Benscreek Sewers – Approval had been received for the PNDI hit, along with the Botanist report that had to be submitted for the permit application. Some final minor comments were received for the Part II construction permit, and EADS was addressing those comments now. They anticipate responding to those comments to DEP by the end of this week.

At this point, Mr. Hart reported that there were 136 tap-ins remaining to complete for Phase I of the sewer project, and being five-months into the tap-in period, he felt this should be a lot further along. Mr. Hart stated the Township has had an ordinance in effect since 1984 requiring mandatory tap-in connection into the sewer system. Solicitor Beener noted that Ordinance No. 572, in effect since October 15, 1984, required tap-in into the sewer system and had penalties that range up to \$300.00 per day for failure to make the connection. He stated the Township's instruction to him was to pursue making sure those connections get completed. Solicitor Beener
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indicated that the 136 residents who had not yet made the connection were no better than the 236 residents who did follow the rules and did exactly what they were required to do.

ITEMS FOR DISCUSSION:

None.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, November 15, 2006 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adjourn the meeting at 7:55 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer