

## MINUTES OF REGULAR MEETING OF SEPTEMBER 20, 2006

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:06 p.m. on September 20, 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:

**Alice Trinder** of 156 Somerset Street, Jerome wanted to know if there could be a curfew enacted for Jerome stating there was too much activity since school started. She also noted that her attic was broken into during the daytime in April, and her car's tires were punctured about 3:30 a.m. sometime during the Jerome Firemen's Festival recently. Mrs. Trinder said these incidents were reported to the police department, but nothing has been done and she has not been contacted since. Chairman Gindlesperger informed Mrs. Trinder the Supervisors would talk to the police about these incidents, and the curfew issue would be discussed with the Solicitor.

**Alan Carr** of 101 Woodhaven Lane wanted the Township to quit sending him sewer bills stating he refuses to pay for something he did not have. He said he was not responsible for the Township's financial condition. Mr. Carr also noted there was a tree knocked down when the sewer system was installed, which would complicate tapping into the system and would increase the cost involved. Solicitor Beener informed Mr. Carr that there was a 60-day connection period after the project was completed after which the billing started, which was common practice for projects such as this. Solicitor Beener asked Mr. Carr when he was going to tap into the system. Mr. Carr stated he had applied for the extension and was waiting to hear if it had been approved. He further stated that the contractors on the list given to him by the Township were not responding back to him. Solicitor Beener reiterated that everyone within the project area received a 60-day notice to tap-in, and the rule was that at the end of the 60-day notice to tap-in, whether the resident was tapped in or not, the monthly billing began. He asked Mr. Carr if he could not get tapped-in. Mr. Carr answered, yes; he had filed an application for an extension, but never heard anything back. Mr. Hart said there was no need to respond, the application was on file and was approved. He further stated the Township's debt service started after those 60 days were up. Mr. Carr felt the Township's loan was not his responsibility and it was bad planning by the Township. Solicitor Beener stated the project was completed, and after a 60-day window, payments began, which was the same for all projects of this nature. He further noted that Mr. Carr could obtain any contractor he wished to do his tap-in. Mr. Carr stated he had other bills too, and he would pay those before he would by the sewer bill. He asked if the Supervisors would rescind the sewer bills. The Supervisors answered, no. Mr. Carr was not happy with this response, and said the Supervisors would hear from him again.

### MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of August 16, 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 September 2006 in the amount of \$65,951.43 for the General Fund, \$1,694.61 for the Liquid

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Fuels Fund, and \$162,375.97 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 August 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.

### **PERSONS TO BE HEARD:**

None.

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. **OPEN BIDS FOR SALE OF TRUCK:** Chairman Gindlesperger opened the bids received for the sale of one 1995 Dodge dump truck with aluminum bed, plow and spreader, which were as follows: U.S. Properties Outlet, Inc. of New Jersey - \$4,123.00; Jim Babish Auto Sales of Johnstown - \$10,400.00; Jack Weakland of Tire Hill - \$5,101.00; and Auto Wholesalers of Hollidaysburg - \$7,789.00. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the high bid from Jim Babish Auto Sales in the amount of \$10,400.00 for the sale of one 1995 Dodge dump truck with aluminum bed, plow and spreader. Mr. Hart noted the book value of this truck was approximately \$9,800.00. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
2. **RESOLUTION R02-06:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adopt Resolution R02-06 authorizing the signing and submission of a grant application to the Department of Conservation and Natural Resources for the Stonycreek Whitewater Park Project. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
3. **TRICK OR TREAT NIGHT:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to set trick or treat night in the Township for Tuesday, October 31, 2006 from 6:00 p.m. to 8:00 p.m. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
4. **CHANGE PAUCC ADMINISTRATOR:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, for the Township to change administrators for the Pennsylvania Uniform Construction Code enforcement from the Township's Zoning Officer to the Cambria-Somerset COG, upon termination of the 120-day notification period to the Middle Department Inspection Agency, Inc. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

## MINUTES OF SEPTEMBER 20, 2006 MEETING CONTINUED.

An individual present at the meeting wanted to know the reason the Supervisors were changing administrators of the PAUCC. Mr. Hart answered that it would free up time for the Zoning Officer, the COG was more familiar with the building codes and they would be able to provide a better service. It would also eliminate homeowners needing to have an engineer or architect drawing prior to the permit being issued, but it would not relinquish the commercial structures from that. The cost to the Township would be approximately the same.

Mr. Hart noted that the following two items were generated from two separate letters received by the Supervisors requesting notices be sent to the residents regarding tax increases; one was from the Jerome Volunteer Fire Department and one was from the Conemaugh Township EMS.

5. **QUESTIONNAIRE FOR TAX INCREASE FOR FIRE COMPANIES:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to send a questionnaire out to Township residents asking if they would agree to a 1 mill real estate tax increase, which would be divided among the fire companies serving the Township. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

6. **QUESTIONNAIRE FOR TAX INCREASE FOR EMS:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to send a questionnaire out to the Township residents asking if they would agree to a .5 mill real estate tax increase, which would be given to the Conemaugh Township EMS. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

At this point, Solicitor Beener noted that this would be an inquiry of support, but would not be binding by the Supervisors. They would receive the results and then a decision would be made on what to do. Solicitor Beener further stated that he was asked by the Supervisors to look into the EMS Tax, which could be levied up to \$52.00 per person working within the Township and was a tax dedicated to emergency services. He said this tax could be considered along with the real estate tax increase.

7. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this subdivision plan pending receipt of favorable Somerset County Planning Commission comment; favorable comment was received 9/12/06. Solicitor Beener stated this subdivision was okay. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Sara E. & Leland G. Mostoller, owner, and Leland Mostoller, applicant, to create a 0.6675 acre parcel from the parent parcel #S12-076-011-00, and to merge the new parcel with the adjoining parcels owned by Carmen & Teresa Diloretto; all as shown on plan date 7/27/06 prepared by M. W. Beeghly & Assoc., Inc. 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 this subdivision plan pending receipt of favorable Somerset County Planning Commission comment; favorable comment was received 9/12/06. Solicitor Beener stated this subdivision was okay. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve this subdivision plan for John & Mamie I. Mantini, owner & applicant, to revise the size of previously approved Lot No. 2 (PBV 16 Page 11) so that the parcel is out of the 100 year flood plain; frontage along Homestead Lane has been increased from 248.18 feet to 274.71 feet and the southern boundary reduced from 165.19 feet to 135.19 feet, with others adjusted accordingly. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

## MINUTES OF SEPTEMBER 20, 2006 MEETING CONTINUED.

9. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved the Planning Module Component No. 1 on 9/12/06, and approved the subdivision plan on 9/12/06, pending Somerset County Planning Commission comment (favorable comment was received), and DEP approval of the Planning Module. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the Sewage Facilities Planning Module Component No. 1, and approval of subdivision plan for Vernon G. Henry, owner and applicant, to create a 3.064 acre Lot No. 4 from parent Lot No. 1, with Lot No. 1 thereafter containing approximately 3.116 acres, pending DEP approval of the Planning Module. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

10. **LAND DEVELOPMENT PLAN REVISION:** The Conemaugh Township Planning Commission rejected the inadequate Land Development Plan on 9/12/06 as submitted by the Conemaugh Township Volunteer Fire Department, and requested a revised submission because the aggregate square footage of impervious lot surfacing and building area exceeds 10,000 square feet, therefore Stormwater Management Plan and calculations are required by Township Ordinance.

Solicitor Beener wanted to know if the request was to waive the 10,000 square feet to the 15,000 square feet, if the CTVFD filed a plan. Mr. Hart felt that was what it was. The plan was not yet filed, but this would keep them from having to go through the Planning Commission again. Mr. Hart stated this would be pending the filing of a correct plan. Solicitor Beener asked if the Zoning Officer would then be the one to accept the plan. Mr. Hart stated, yes. Solicitor Beener said he did not know what an acceptable plan would be for this.

Terry Ruparcic of the Conemaugh Township Fire Department indicated he had met with the Zoning Officer, Ron McGee, today and he had told him what was wanted on the revised plan, which involved the handicapped parking stalls, including the total square footage of all impervious materials, excluding the 30,000 square feet of red dog already in place. Solicitor Beener felt the above seemed to be talking about just the impervious cover. Mr. Ruparcic stated the items he mentioned were part of the plan. Labor and Industry told them they needed six handicapped parking stalls and that put them over the 10,000 square feet. Mr. Ruparcic said they want to change the parking lot texture from red dog to asphalt for the extra 5,000 square feet. Solicitor Beener stated that Mr. Ruparcic's explanation would be taken as to what was meant by the above request, but it would need to be verified. Solicitor Beener asked if a plan was going to be submitted. Mr. Ruparcic answered that Mr. Cortese was completing the plan and he had said he would do everything possible to have it submitted by the end of this week to Mr. McGee. Solicitor Beener informed the Supervisors to approve the request.

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to waive the stormwater management submission process for the CTVFD, owner and applicant, for approximately 15,000 square feet of impervious cover change since the adoption of the ordinance on 3/18/98, pending submission of an acceptable revised Land Development Plan showing all existing and proposed impervious areas and sealed by a Pennsylvania registered design professional. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

## **MINUTES OF SEPTEMBER 20, 2006 MEETING CONTINUED.**

11. **MAJOR SUBDIVISION – PRELIMINARY PLAN SUBMISSION:** On 9/12/06, the Conemaugh Township Planning Commission approved the commencement of construction of utility service lines for the project for the DL Development Group, LLC, and approved the preliminary subdivision plan after the satisfaction of all the following:

- 1) Receipt of written approval from Somerset County Conservation District of the Erosion & Sedimentation Control Plan.
- 2) Township Engineer's approval of stormwater management system design and calculations.
- 3) Proof of issuance of NPDES Permit for stormwater system.
- 4) Addition of notation on plan requiring provision of off-street parking area (minimum of 2 vehicles) on each lot.
- 5) Written resolution by and between Township and Developer as to the provision of adequate cartway width of the existing Hillcrest Avenue;

and further that prior to approval of a final major subdivision plan, a 110% bond must be provided by Developer to Township to cover the cost of the improvements required for this development.

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the commencement of construction of utility lines for the proposed project of DL Development Group, LLC, applicant, to create a 10 lot residential subdivision, having paved road extension of Hillcrest Avenue terminating with a cul-de-sac, all as shown on Earthtech, Inc.'s sheet numbered S-1 revised 8/23/06. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

12. **SEWAGE FACILITIES PLANNING MODULE – COMPONENT NO. 1:** The Conemaugh Township Planning Commission granted approval for Planning Module Component No. 1 on 9/12/06. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve Planning Module Component No. 1 and signature of authorized Supervisor for the Thomas Mennonite Church, owner and applicant, for a holding tank for a church pavilion. Solicitor Beener asked Ben Faas of The EADS Group if there was a special holding tank ordinance. Mr. Faas answered, yes. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **TIRE HILL SEWER PROJECT:**

1. **UPDATE SEWER PROJECT** – Josh Kalp of The EADS Group reported that Contracts # 2, 3, and 4 were closed out. Contract #1, General - Galway Bay, had returned to complete the punch list last week, but the weather had hindered them; the punch list was still not finished. Contract #5, Sewerlines – Kukurin also had returned to complete punch list items, but the weather had affected them; about 12 items remained on their list. As of September 11, 2006, 181 customer connections were satisfactorily completed. There would be a total of 372 new customer connections to the system by the Phase I Project. There was no PENNVEST payment request at this time. A DEP final inspection remains to be scheduled for the project prior to final closeout.

### **ITEMS FOR DISCUSSION:**

1. Fire Protection within the Township – There was no discussion on this subject at this time. Mr. Hart stated this would wait until after the tax survey was completed.

**MINUTES OF SEPTEMBER 20, 2006 MEETING CONTINUED.**

**ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, October 11, 2006 at 7:00 p.m.

**ADJOURNMENT:**

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to adjourn the meeting at 7:47 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer