

MINUTES OF REGULAR MEETING OF APRIL 18, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:05 p.m. on April 18, 2007 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:

Joe Stevens of 126 Stevens Lane said he had numerous questions for the Supervisors:

1. Mr. Stevens asked if Wayne Kauffman had discussed with the other Supervisors and the Solicitor what he had talked to him about. Mr. Kauffman stated he had talked to the other Supervisors, but not to the Solicitor. It was decided to wait to discuss this later with the Solicitor.

2. Mr. Stevens alluded to his problem with a situation as discussed in the past concerning an old sewer project. He wanted to know with whom he should be working with on this matter, the Supervisors or the Sewer "Authority". Mr. Hart answered, the Supervisors. Mr. Stevens stated he noticed in the Budget there was \$20,000 for a Sewer Manager, and wanted to know who that was. Mr. Hart answered that he was the Sewer Manger, but was not being compensated anything extra for taking over that position—he was only paid for being a Supervisor and a Roadmaster. It was made clear to Mr. Stevens that he should be dealing the Board of Supervisors pertaining to his problem.

3. Mr. Stevens asked if a representative for the current sewer project was present. He was answered, yes; Josh Kalp of The EADS Group was present. Mr. Stevens asked Mr. Kalp if he did any of the surveying work for the sewer project. Mr. Kalp answered, yes; The EADS Group did handle the surveying. Mr. Stevens asked if each foot of pipe was placed where it was supposed to be. Mr. Kalp answered, yes. Mr. Stevens stated the pipe was not installed where it was supposed to be during a past sewer project and he wanted to be sure it was done properly for the residents involved in this sewer project, as it was not done for him.

4. Mr. Stevens asked if the bill list lying on the table was there for anyone to review. He was answered, yes. Mr. Stevens had a question regarding the General Fund invoices. He wanted to know what the Solicitor's compensation was—what was his retainer fee. Solicitor Beener answered that his rate was \$95.00 per hour. Mr. Stevens asked if the Solicitor was asked to look into a problem or into his (Mr. Steven's) problem, the Solicitor gets paid. He was answered, yes. Mr. Stevens stated that the Supervisors had forced him to keep bringing up his problem with the past sewer project. He wanted to know how much more the Supervisors were going to spend on this matter, noting that if he would go to court with this, the Supervisors would loose. Mr. Stevens wanted to know if the Supervisors were going to keep fighting his situation.

5. Mr. Stevens said he had something to say under Agenda Item L – Update Sewer Projects. He stated that at a past meeting a man was present complaining about having to pay a tap fee for every unit within a building he owned. Mr. Stevens wanted to know if that was upheld. He was answered, yes. He further asked if this was applied to everyone else in the project area. Mr. Hart answered; yes, during his tenure as a Supervisor.

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Mr. Stevens informed the Supervisors he would definitely be attending next month's Supervisors' meeting

Terry Kerr of 890 Govier Lane introduced himself as a laid off Township worker and candidate for Township Supervisor. He stated he filed a grievance about one month ago against the Township. William Edsall was paid 80 hours sick time for 2006, and Colette used her time up for 2006. Mr. Kerr stated the Township owed him 80 hours for sick time for 2006, and also the Township owed Ron Thomas 80 hours sick time for 2006. He wanted to know if the Supervisors were going to pay that or were they going to let it go to arbitration, which would cost the Township more money. Mr. Kerr felt since the Supervisors paid the other two employees that showed the Supervisors owed that money to himself and Mr. Thomas. He again asked if the Supervisors were going to pay or make the Township pay double money. Solicitor Beener asked if this matter had already been heard. Mr. Hart stated this was pertaining to a grievance that was filed. Mr. Kerr stated it was a grievance that was going to go to arbitration, which was going to cost the Township more money, when Dave Hart knew he owed them the money. He wanted to know why it should go to arbitration when it would cost the Township more money. Solicitor Beener asked Mr. Kerr if it had been through the arbitration hearing yet. Mr. Kerr answered, no; he was just asking if this was going to go to arbitration, even though two employees were paid the sick time, out of the four that were off work. Mr. Hart informed Mr. Kerr, in order to clarify the matter; the two employees he had mentioned were not paid for the sick leave. Mr. Kerr stated those individuals used their time, which was the same as being paid for it. Mr. Hart again stated they were not paid, and he further informed Mr. Kerr that what he was discussing could not be discussed at an open meeting. Mr. Kerr asked why that was. Mr. Hart answered that it dealt with personnel issues. Mr. Kerr stated it dealt with Township tax dollars—paying it out. Chairman Gindlesperger informed Mr. Kerr that matter was a personnel issue and that was why the Supervisors had closed sessions when they discussed personnel matters, which were closed-door sessions. Chairman Gindlesperger noted that was the only time the Supervisors went into closed-door sessions. Mr. Kerr stated he had gone through the minutes and there was nothing in them about the three guys that were laid off. He wanted to know if that was going to be put into the minutes. Solicitor Beener informed Mr. Kerr that was a management prerogative. Chairman Gindlesperger asked Mr. Kerr if the Supervisors ever had noted the hiring of employees at an open meeting--Mr. Hart and Chairman Gindlesperger informed Mr. Kerr that was not done. Mr. Kerr stated, so this was going to arbitration then. Mr. Hart answered, he did not know; he took the advice from the Township Solicitor who told him what he should or should not do based on the facts and that was how he responded—because this was a legal issue. Mr. Kerr stated it would be.

George Miller of Tire Hill Road wanted to know about the possible rezoning of the Tire Hill Area (CN District). Solicitor Beener noted he would be discussing this under his report. Mr. Miller was concerned because one of the primary notations made at the Public Hearing regarding this proposed change was the Township tried to make sure everyone had a way out of a commercial site. Mr. Miller stated he was the only one who was landlocked in commercial property. He further noted to the Supervisors that at the Public Hearing no one said anything positive about this change, there were only numerous negative remarks made. Solicitor Beener informed Mr. Miller that he had only announced that he had made the transcript of the Public Hearing available to the Supervisors for review; noting that the Hearing was for anyone to say anything they wished about the proposed change—the transcript was not “minutes”, but an actual transcript—there was not conversation on this matter. Solicitor Beener again stated he would

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bring this up under this report and he did not know if the Supervisors were going for it or not.

Mr. Miller said he just wanted it known that only negative statements were made. He further stated that only those residents living in areas touched by commercial property were given notices to attend the Public Hearing. Solicitor Beener again informed Mr. Miller there had been no discussion on this matter—yes, no, or otherwise. Regarding Mr. Miller's complaint that only a selective group was invited to the Public Hearing, Solicitor Beener informed Mr. Miller that there was a statute on how notices were given in matters such as this, and the Township followed it to the letter. Mr. Miller stated he was really concerned how this zoning change would affect him. He stated he would like the line brought down to the back of his property so he would not be landlocked, which would involve about a quarter of an acre or so.

Joe Stevens stated he had further questions to ask:

1. Mr. Stevens wanted to know if the General Fund bill list on the table was for everyone to review here, or could he have a copy to take home. Mr. Hart stated that he could take it home if he wanted to.

2. Mr. Stevens wanted to know that if during the Supervisors' discussion with the Solicitor in preparation for next month's meeting, could they ask the Solicitor how many hours he had spent on Mr. Stevens' issue so far.

3. Mr. Stevens said he had been told the new sewer project would be going through Benscreek to Thomas Mills and was designed to catch all those homes in that area, but he was told today that the project would be following the line of Benscreek River, around Buck Sleek's place and Rte. 985, and would running down along the Benscreek River up through the bottom. He wanted to know if this was a change in plans without informing anyone, or had the plans needed to be completed yet. Chairman Gindlesperger informed Mr. Stevens that the design was completed. Mr. Stevens wanted to know if the residents living in the new sewer project area were being informed about where the sewer was going, noting that he had not been informed when his sewer lines were put in. Chairman Gindlesperger told Mr. Stevens that everyone involved with this project were sent notices and four different meetings were held with those individuals concerning the rights-of-way. Mr. Kalp noted that if the rights-of-way were changed, the property owners were notified.

Joyce Graham of Lost Valley Drive stated that last week she became aware of a situation with the police department. She wanted to state that she did not have a problem with the department bringing on K-9 dogs since it was good for the community. Mrs. Graham stated the Daily American broke the story yesterday that Conemaugh Township Police Department's Officer Tom Holland, one of the most senior officers, would be given a K-9 dog. Mrs. Graham said Mr. Holland was "dangerously" close to retirement age and would probably be retiring before the dog was fully utilized to its capabilities. She was questioning why the Supervisors would spend that amount of money for a K-9 dog and give it to someone who would be retiring soon at the taxpayers' expense. Mr. Hart noted that the K-9 dog purchase was funded through Unit 13. Mrs. Graham indicated that was still tax dollars. Mr. Hart stated it was not money the Township was spending directly for the K-9. Mrs. Graham still insisted it was everyone's tax dollars being used to purchase this dog. She further noted there were other officers in the police department

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who were totally capable of having a K-9 dog. Mrs. Graham felt the police department would take a dog that had 5 to 7 years to work police duty, and it would probably be retired within 2 years. Mr. Hart stated that it was unknown as to when Tom Holland would be retiring—he never told the Supervisors. Mrs. Graham told the Supervisors they needed to pay attention to when people were talking because that was probably the time frame Mr. Holland was looking at.

Joe Stevens wished to make further comments at this time, but the Supervisors informed him that he had spoken twice already. Mr. Stevens wanted to know if there were limitations on speaking. The Supervisors answered, yes. Mr. Stevens stated he would bring his comments up at the next meeting, although they dealt with this meeting.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of March 21, 2007. 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 April 2007 in the amount of \$124,499.31 for the General Fund, \$16,569.03 for the Liquid Fuels Fund, and \$48,996.18 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

POLICE REPORTS:

The police reports as submitted by Chief Howard Jackson for the month of March 2007 for Conemaugh Township, Benson Borough, Stoystown Borough, and Quemahoning Township were read. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the police reports as read for the month of March 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

None.

CORRESPONDENCE:

A letter was received from the Conemaugh Township Area Historical Society requesting a monetary donation. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to donate \$500.00 to the Conemaugh Township Area Historical Society. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **BIDS FOR SALE OF 2000 FORD EXPLORER (SECOND BIDDING):** Only one bid was received and opened for the sale of the 2000 Ford Explorer: Rogers Auto Sales of Ohio bid \$1,680.00. Mr. Hart noted that this bid was \$340.00 more than their last bid for this vehicle. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to reject the bid received from Rogers Auto Sales for the 2000 Ford Explorer. This vehicle would now be advertised in the

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

2. **OPEN BIDS FOR 2007 PETROLEUM PRODUCTS:** There were no bids received for petroleum products.

3. **OPEN BIDS FOR 2007 ROAD MATERIALS:** Chairman Gindlesperger opened the following bids received for road materials:

Road Materials (Delivered):

Bids were received from New Enterprise (NE), and Homer R. Sleek & Sons (SL) as follows:

#8 Limestone (or) Anti-Skid Limestone Equivalent	NE – 15.30/ton	SL – 14.15/ton
Type 2 Slag – Anti-Skid – Limestone Only	NE – No Bid	SL – 11.35/ton
#57 Stone – Limestone Only	NE – 13.95/ton	SL – 13.80/ton
2A Stone – Limestone Only	NE – 11.45/ton	SL – 12.17/ton
2RC Stone – Limestone Only	NE – 11.45/ton	SL – 11.67/ton

Road Paving/Sealing Materials (FOB at Plant):

Bids were received from New Enterprise (NE), HRI, Inc., and Quaker Sales (QS) as follows:

ID-2 Wearing Course or 9.5 mm	NE – 51.80/ton	HRI – 49.00/ton	QS – 51.00/ton
BC-BC Base Course or 25 mm	NE – 45.45/ton	HRI – 40.00/ton	QS – 44.00/ton

Cold Patch (FOB at Plant):

New Enterprise	66.85/ton
HRI	52.00/ton
Quaker Sales	53.00/ton

The Supervisors tabled awarding these bids until the May 16, 2007 board meeting.

4. **POLICE DEPARTMENT INTERNSHIP:** Solicitor Beener had a question on this internship program, which was proposed by the Chief who manages the police department, not the Supervisors. He wanted to know if there was an age limitation on this program. Mr. Hart answered that no age limit was listed. Solicitor Beener stated it looked like an excellent program, it was a May to August internship program with two students, and no age was listed, although there was a reference to a transcript from college. Mr. Hart said he believed they would be students of law enforcement, and post high school. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve an internship program for the Police Department as proposed by Howard Jackson, Chief of Police; with a notation added that the interns must be “of age”. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **MINOR SUBDIVISION REVISION:** The Conemaugh Township Planning Commission approved this Plan on 4/17/07. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision revision plan for Terri Ann Dovey, property owner and applicant, to revise the lots shown as lots 19 thru 27 on the Bloomfield Heights Plan dated 10/17/1922 to now show lots 1 thru 4 and residue, all as shown on Sheet SUB1 dated 4/4/2007 prepared by H.F. Lenz company and sealed by Greg Facciani, P.L.S. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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6. **MINOR SUBDIVISION REVISION:** The Conemaugh Township Planning Commission approved this Plan on 4/10/07 pending SEO approval of Non-Building Waiver for the unimproved Lot No. 1, and receipt of favorable comment from the Somerset County Planning Commission. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision revision plan for Elsie T. Fetterman and Scott A. Fetterman, property owners and Elsie T. Fetterman, applicant, to create unimproved Lot No. 1 containing approximately 68 acres, conditional upon SEO approval of Non-Building Waiver for the unimproved parcel, and receipt of favorable comment from the Somerset County Planning Commission. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

7. **MINOR SUBDIVISION REVISION:** The Conemaugh Township Planning Commission approved this Plan on 4/13/07. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision revision plan for Claude A. & Sylvia D. Harmon, property owners and applicants, to create Lot No. 1 containing approximately 7.2611 acres of undeveloped land from the parent parcel owned by Claude & Sylvia Harmon, and to convey said Lot No. 1 to Matt R. & Kristy L. Brubaker for merger with Brubaker's Lot No. 5 of the Hillcrest Avenue Development. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

UPDATE SEWER PROJECTS:

1. **TIRE HILL SEWER PROJECT:** Josh Kalp of The EADS Group reported that all contracts for this project were closed out. Letters were sent to the contractors on warranty work—there were a few additional items that needed done. The DEP final inspection was held on April 5, 2007. The EADS Group was assisting with lateral connection inspections. As of March 12, there were 346 connections made and 39 customers had done nothing.

Mr. Kalp also reported that the Greenhouse Park Whitewater Park bidding activities had started.

2. **PHASE II-BENSCREEK SEWER PROJECT:** Mr. Kalp stated right-of-way acquisition continued; all permits have been received; and the PENNVEST funding had been rolled over to July 2007.

ITEMS FOR DISCUSSION:

1. **HIRING POLICY FOR POLICE DEPARTMENT:** Solicitor Beener noted that the Chief was also proposing this policy. The Supervisor indicated they were satisfied with the policy. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to accept the hiring policy for the Police Department as proposed by Howard Jackson, Chief of Police. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **JEROME FOOTBRIDGES:** Solicitor Beener reported that Josh Kalp of The EADS Group had provided to him the surveys and maps laying out the footpaths for the footbridges in Jerome. Solicitor Beener would now have the documentation completed and signed so that those bridges could be installed.

3. **TIRE HILL AREA CN ZONE CHANGE:** Solicitor Beener raised the CN Zoning District matter for discussion or whatever direction the Supervisors wanted to take, if any; noting that the Supervisors had the Public Hearing transcript for a month. Chairman Gindlesperger

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called for a discussion on this. Mr. Hart stated the Public Hearing was held, and he agreed with Mr. Miller's comments earlier in the meeting that no positive feedback was received on the proposed CN Zoning District for the Tire Hill Area. The Supervisors agreed that they did not see the need to do this zoning change, stating the zoning would stay as-is in Tire Hill. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to decline changing to a CN Zone for the Tire Hill Area. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **SHADE TOWNSHIP POLICE SERVICE AGREEMENT:** Chairman Gindlesperger stated the Township had taken on Shade Township Police Department officially with Shade signing the Agreement on Friday, April 13, 2007, and Conemaugh Township started patrol of Shade on Sunday, April 15, 2007. The Agreement stated Shade would be patrolled four days with 24 hours of service, and two days with 16 hours of service. Shade Township would be paying Conemaugh Township \$15,833.00 per month for the service. Solicitor Beener wanted to make sure the phrasing was correct; this was a police services agreement – police services were to be provided by the Conemaugh Township Police Department, same officers, same department, under the direction of Chief Howard Jackson who managed the entire department on behalf of the Township. Three Shade officers became employees of Conemaugh Township as a result of this Agreement; two Shade vehicles were acquired as part of the Agreement. Solicitor Beener stated this was not a merger, not a regional police department; not a whole lot of things that have been inaccurately talked about or reported. Solicitor Beener reiterated this Agreement was a police services agreement identical in service to Stoystown Borough, Quemahoning Township, and Benson Borough. It was also noted at the on-set this was a one-year Agreement, and they may opt out after the one year.

ANNOUNCEMENTS:

1. The Supervisors were looking into a paving project for this summer.
2. The next regularly scheduled meeting of the Township Supervisors would be held on Wednesday, May 16, 2007 at 7:00 p.m.

ADJOURNMENT:

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

Submitted by,

David A. Hart, Secretary/Treasurer