

## MINUTES OF REGULAR MEETING OF JULY 18, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:07 p.m. on July 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 had a question regarding agenda item #2- proposed sewer rate increase. He wanted to know if all the sewer taps had been paid, and if not, why not pursue those instead of raising the rates. Chairman Gindlesperger said Mr. Stevens would be answered under that agenda item.

**John Lawhead** of 298 Rod & Gun Club Road said he had called and requested a copy of last month's minutes and he wanted to know if he could have them. Solicitor Beener stated that as soon as those minutes were approved tonight, they would be available. Mr. Hart told Mr. Lawhead to pick up a copy at the office tomorrow.

Mr. Lawhead asked if the noise issue at the Tire Hill Rod & Gun Club was a dead issue, because last time the Supervisors had said the Club was there first and that was their answer about the noise. Chairman Gindlesperger informed Mr. Lawhead that this was basically a comment session. Mr. Lawhead stated he was asking a question. Mr. Hart stated this was not a question and answer period. Mr. Lawhead wanted to know if that was coming up next. He was answered, no. Mr. Lawhead said Larry Lampel was coming up next and he would wait until then.

**Joyce Graham** of Lost Valley Road wanted to know where the K9 dog food was purchased. She also wanted to know how often the K9 officers and dogs were attending training, and how soon were the K9 units going to be on the streets performing their duties. Chairman Gindlesperger informed her Chief Howard Jackson would answer her questions later in the meeting.

### MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of June 20, 2007, and Special Meeting of July 10, 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 July 2007 in the amount of \$126,159.34 for the General Fund, \$5,548.30 for the Liquid Fuels Fund, and \$32,717.39 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 June 2007 for Conemaugh Township and Benson Borough were read. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the police reports as read for the month of June 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

## **MINUTES OF JULY 18, 2007 MEETING CONTINUED.**

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

**Larry Lampel**, president of the Tire Hill Rod & Gun Club, stated they were notified that someone was pushing for a noise ordinance within the Township. Mr. Lampel said the Club was located on the west bank of the Stonycreek River, was started in 1956 and incorporated in 1959. The area of the Club was zoned Heavy Industrial. Their monthly meetings were held the 2<sup>nd</sup> Tuesday at 7:00 p.m. Mr. Lampel listed the memberships the Club belonged to. He further stated the club was not tax exempt, and was fully insured. Mr. Lampel said the Club was accessed by the Rod & Gun Club Road, which they have maintained for the last four years, purchasing materials for the road, and they also made regular improvements to their grounds. He stated the Club made donations to the Conemaugh Township Fire Company and the EMS, and were the first contributors to the indoor shooting range in Jerome. They helped fund the fishing derby at Greenhouse Park this year. Mr. Lampel stated that all their new members must have sponsors and be voted upon at their monthly meeting, and they also had a self-imposed cap on their membership. He said they had clearly posted range rules and shooting hours, and they had several times adjusted their shooting hours to accommodate their neighbors. They had also closed their range to accommodate their neighbors so they could hold picnics, etc. on occasion. Mr. Lampel stated that more and more people were getting into the sport of shooting, and they would always try to be good neighbors at the Rod & Gun Club. He said that speaking to the issue of a noise ordinance for the Township, the Tire Hill Rod & Gun Club wished to go on record as being totally against any noise ordinance, hoping this would be the case for all people who enjoyed the sport of shooting

**Joe Stevens** of 126 Stevens Lane stated he had made the comment at last month's meeting about a possible theft at the Township, indicating that if the employees did what they were told to do by the Supervisors, it was illegal. Mr. Stevens said employees did not get paid to haul junk to the scrap yard for personal purposes. He said he had the Township's Inventory list and it only had one roller listed, a 1997 Buethling. Mr. Stevens stated he understood the Township had three rollers, and if two were missing, they apparently went missing by the Supervisors. He noted that according to the Township Code, any disposal of equipment must be advertised, and this was a criminal act. Mr. Stevens suggested that before the Supervisors answer on this, they should hold an executive session with the Solicitor. Chairman Gindlesperger told Mr. Stevens his questions would be answered at the next meeting. Mr. Stevens wanted to know if that was a new policy. Chairman Gindlesperger stated, no, the policy has been in place, but the Supervisors were abiding by it now, that was why the policy was attached to the agenda this evening.

### **CORRESPONDENCE:**

Chairman Gindlesperger read a letter received from Mr. Boyd Lehman stating he was resigning from the Conemaugh Township Planning Commission effective immediately due to health reasons. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept Mr. Boyd Lehman's resignation from the Conemaugh Township Planning Commission. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

Chairman Gindlesperger read a letter received from the Community Foundation for the Alleghenies committing \$30,000.00 toward the moving of rocks to Greenhouse Park for the Stonycreek Whitewater Project. Chairman Gindlesperger noted that the estimated cost to move the rocks was \$26,700.00, so this donation would cover the cost involved. Solicitor Beener stated that now the project was in compliance with the resolution passed last month by the Supervisors, all financing was covered for this project, and therefore the contract award could

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proceed.

At this point, Howard Jackson, Chief of Police, was present to answer the questions that had been asked about the K9's. One question concerned the fuel mileage on the two new Durango's recently purchased. Chief Jackson noted that these were needed because the Crown Victoria's were old and in bad shape, having over 100,000 miles on each. He stated he compared the fuel mileage between the Durango's and the Crown Victoria's by using the same date and 100 miles. The Durango's had 14.5 miles per gallon and the Crown Victoria's had 11.7 miles per gallon. Chief Jackson explained the reason for this was that the cars are driven hard, often starting out from a dead stop.

Other questions dealt with the K9 program. Chief Jackson stated one dog was purchased for \$7,500.00. Training had been going on with the K9's for the last six weeks. He further stated \$709.59 to-date was used to purchase basic needs for the dogs, including bite sleeves, bite collars, vests, harnesses, etc, which were one-time purchases. Also, \$1,400.00 was donated toward vests for the dogs. Chief Jackson stated the second K9 was purchased and donated to the Police Department by someone who wished to remain anonymous. This dog was going through training, but not as extensive as the dog that was purchased at the higher cost.

Chief Jackson stated Petco donated the dog food. Joyce Graham wanted to know when Petco donated the dog food. Chief Jackson answered that it was donated when the dog was purchased.

Chief Jackson stated the K9's were trained three to four days a week depending on what they were doing, and mostly in the mornings when it was not hot so as not to wear on the dogs. They train two days a month with the City, and go one week a year for updates. Chief Jackson said that once the dogs were certified, they would be required to train two days a month, and one week a year for updates.

At this point, Dan Griffith wanted to know if overtime costs would be involved if other Counties called out the K9's. Chief Jackson stated these dogs would not go out to a neighboring County, unless there was an unusual emergency situation. Mr. Griffith further said that the Daily American had stated the Police Department was trying to obtain a bomb dog that would serve other Counties. Chief Jackson said that was another dog completely. He explained that the patrol and narcotics dogs could not cross train with the bomb dog because those dogs scratch when they located a narcotics scent and the bomb dogs cannot scratch a bomb, they were taught to sit and point. Chief Jackson stated a grant was applied for to purchase a bomb dog, which could also be used for patrol, indicating it would cover Region 13.

Mr. Griffith noted he was not against the dogs, but he wanted to know why the dogs were put in the brand new vehicles. Chief Jackson noted that generally the K9's get the oldest car, but the price of a cage for a car was \$1,500 to \$2,700 due to the limited space. Also, if the car broke down, the dog could not go out. The Durango's have room for double cages since they do not have trunks and the cages come with the police packaged vehicles, and also now there were two vehicles to use for the K9's incase one was broken down.

A question was asked if the bomb dog was completely funded. Chief Jackson answered, yes, including seven weeks of training in Ohio.

### **OLD BUSINESS:**

None.

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### **NEW BUSINESS:**

1. **ADVERTISEMENT FOR BIDS FOR TARRING & CHIPPING:** There was a motion by Mr. Kaufman, seconded by Mr. Hart, to approve the advertisement for bids for tarring and chipping of certain Township roadways. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

2. **RESOLUTION R04-07:** Josh Kalp of The EADS Group reported that in the spring of this year after a few billing cycles after the Phase I Sewer Project was complete, the Township noticed the sewer department was operating in the red-the income could not quite meet the monthly expenses. Therefore, the Supervisors requested that the EADS Group perform a rate evaluation. Mr. Kalp stated EADS gathered information, including water consumption, for six months and confirmed that the sewer department was operating in the red. The EADS Group modified a spreadsheet, which would allow the Supervisors to enter certain rates and certain rate structures, which in turn would produce what the income and expenses would be so that the Supervisors could balance the sewer department's budget, and to see what the rate increase should be. Mr. Kalp noted that the Phase I Sewer Project did come in under budget. He felt what it came down to was low budgeting whenever rates were initially increased at the beginning of the Phase I Sewer Project, which was done formally in May 2004. Chairman Gindlesperger stated the new rates would be \$33.00 for up to 800 gallons plus an additional \$.85 per each 100 gallons thereafter. For unmetered private water supplies for dwelling there would be a flat rate of \$45.00, and for non-dwellings the Township would estimate the gallonage. Chairman Gindlesperger stated this would put the sewer department in the black, noting that they had been operating months in the red and there was a deficit to make up. He further stated that hopefully, full-time employees could be hired to handle I & I problems and manage the day-to-day operations of the treatment plants. Chairman Gindlesperger said there was a Township employee that currently works hand-in-hand with the sewer department to try to keep up, but really the sewer department had no full-time employees for the treatment plants. He stated the Supervisors would like to get a licensed operator on hand to operate the treatment plants.

Joe Stevens wanted to know how many people had not tapped into the new sewer system, and was that considered in this rate increase. He wondered why the people who paid for their taps should have to pay extra to cover those who did not pay. He further stated the Supervisors should collect those unpaid sewer tap fees before the rates were raised. Josh Kalp from The EADS Group informed Mr. Stevens that whenever they performed the analysis, they assumed everyone as being billed whether they were tapped into the system or not, they assumed 3% delinquencies, and figured all tap fees as being 100% paid, and it still came out in the red. Mr. Stevens was not satisfied with that answer. There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adopt Resolution R04-07 increasing the rates for sanitary sewer service for Conemaugh Township sewer system customers, effective August 1, 2007. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes, and Mr. Kauffman – yes. Motion carried unanimously.

### **UPDATE SEWER PROJECTS:**

1. **TIRE HILL SEWER PROJECT:** Josh Kalp of The EADS Group reported that all contracts had been completed and notices of warranty work had been sent out. Kukurin completed all but two items on the punch list, and there were a few outstanding items at the sewer plant. The EADS Group and Solicitor Beener had both followed up with PENNVEST concerning final payment for this project and there was no answer as yet on the schedule for

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payment. Solicitor Beener noted that there was a very substantial amount owed to the Township for this project, and it was out of the Township's hands at this point.

2. **PHASE II-BENSCREEK SEWER PROJECT:** Mr. Kalp reported that the PennDOT Highway Occupancy Permit needed to be signed tonight and needed to be resubmitted, at no extra cost, due to the delay in this project, noting the Permit was only good for one year—it was originally issued in 2006. Mr. Kalp stated that the Benscreek Sewer Project PENNVEST application had been rolled over to their October 23, 2007 meeting. A meeting with PENNVEST will be held tomorrow to add more economic development information to the application to make it a stronger application.

### **ITEMS FOR DISCUSSION:**

Solicitor Beener wanted to make a recommendation to the Supervisors concerning a subdivision matter, noting that there had not been a Conemaugh Township Planning Commission meeting last week due to the lack of a quorum. He stated this subdivision came directly to his attention concerning the property of Bazyk and Berzonski, which was divided by the Conemaugh Township/Jenner Township line. Conemaugh Township had a subdivision ordinance, and Jenner Township did not, and was governed by the County Planning Commission. Solicitor Beener noted that according to the engineers, it appeared that the largest portion of this property was located within Jenner Township. He was recommending that one of the two municipalities involved relinquish jurisdiction over this matter so it could proceed. Solicitor Beener stated it was his understanding that this property was going to be attached to some other existing property, and he recommended that Conemaugh Township relinquish jurisdiction and allow the County Planning Commission to process this as they normally would.

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to relinquish jurisdiction over the subdivision concerning Bazyk and Berzonski, as described above, to Jenner Township and the County Planning Commission. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, August 15, 2007 at 7:00 p.m.

At this point, Mr. Lawhead asked if he could speak. Solicitor Beener explained to him that the Public Comment session was held at the beginning of the meeting and the public could comment at that time without being placed on the agenda, or he could request to be put on the agenda under "Persons Scheduled To Be Heard", which had to be requested prior to the meeting.

Mr. Lawhead requested to speak at this time, noting that he wanted to talk in the beginning of the meeting—he had questions, and he was not permitted at that time. Chairman Gindlesperger stated that was a comment period only. Mr. Lawhead was permitted to speak at this point.

Mr. Lawhead stated that there was a simple solution to the noise problem with the Rod & Gun Club. He stated that the Club had turned their shooting range around and the noise went directly toward his residence. Mr. Lawhead said if the Club would put up a backstop it would stop the noise from coming toward his house, but the Club did not want to do anything. Mr. Lawhead also said the Club did not maintain the Rod & Gun Club Road properly. Mr. Lawhead and Mr. Lampel discussed some issues at that time.

Mr. Lawhead wanted to know if anything was decided about the noise ordinance. Some more

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discussion ensued. There was a motion by Mr. Gindlesperger, seconded by Mr. Hart that the Supervisors did not intend to impose a noise ordinance for the Township. Roll call vote: Mr. Gindlesperger – yes, Mr. Hart – yes, and Mr. Kauffman – yes. Motion carried unanimously.

**ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adjourn the meeting at 7:44 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer