

MINUTES OF REGULAR MEETING OF JUNE 20, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:04 p.m. on June 20, 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 three items he wanted to bring up at this time:

1. Mr. Stevens stated he had heard talk of theft of cash from a foot locker within the Township maintenance building and if this were true, he wanted to know where the money came from, whose money it was, and who authorized cash to be locked up in a foot locker, not in the safe.
2. Mr. Stevens wanted a full report from the Supervisors of inventory of the equipment in their possession. He stated he heard there was inventory being sold for scrap metal.
3. Mr. Stevens wanted the answers to the questions he asked at the last meeting.

Mr. Hart asked him if he wanted his answers now. Mr. Stevens stated, yes, he wanted all his questions answered or commented on. He said the answer to the first question above was either yes, or no. Mr. Hart stated the answer was, no that was not true. He further stated the inventory of equipment could not be given right at this time. Mr. Stevens asked for a list of inventory for the past six years. Mr. Hart stated he did not think that could be done—he was not sure the past Supervisors kept inventory six years ago. Mr. Stevens stated he understood there was inventory kept then. Mr. Gindlesperger asked what kind of inventory Mr. Stevens was asking for. Mr. Stevens stated it would be for everything in the possession of the Supervisors that the taxpayers pay for. The Supervisors stated that would be “nit-picking” to list everything. Mr. Stevens then wanted a list of the main items of value that belong to the Township. Mr. Gindlesperger said that would not be a problem. Mr. Stevens asked for the Supervisors to have that for the next meeting, and the Supervisors stated they would have it.

John Lawhead of 298 Rod & Gun Club Road wanted to know if the Supervisors had an answer regarding the shooting noise at the Tire Hill Rod and Gun Club. Solicitor Beener stated they said they would look into it, not have an answer, and he did look into Mr. Lawhead’s deed and the deed of the gun club, and as far as he could see there did not appear to be any deed limitations. Mr. Lawhead said he was asking that the hours be lowered at the club- that was all. Solicitor Beener said the Township did not have an ordinance regulating noise. Mr. Lawhead said there would be when he was done, because he was going to drive up and down the road playing his radio really loud. He said he did not ask the Supervisors to adopt a noise ordinance, he had asked them to do something...there were only two people who lived in the area of the gun club and that was why there was no concern about this matter.

Chairman Gindlesperger informed Mr. Lawhead the Supervisors had to do things within the law, they could not just tell the gun club to cut their hours back. Solicitor Beener said he did not know anything about this personally, but he had talked to Mr. Lawhead and some other people after the last meeting about this. He looked at all the deeds, and there was not a Township noise

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ordinance that would apply to the hours or any kind of limitations in the Township. Solicitor Beener noted that a noise ordinance had been discussed in the past, but not for this kind of situation, and it was not adopted. He reiterated that he could not see anything in the deeds that allowed the Township to take any action. Solicitor Beener further stated the gun club area was in a zone where this type of function would not be a prohibited activity. He again informed Mr. Lawhead that so as far as he could tell, the Township had no authority to direct the gun club to either cease or restrict their hours of operation. Solicitor Beener further informed Mr. Lawhead that he would have a civil right in this, which was a separate matter from the governing body. Mr. Lawhead said he did not come to the meeting to have a noise restriction adopted, that was not what he wanted, and he was sure everyone in Conemaugh Township did not want it. He said he had asked the Supervisors to reduce the gun club's hours. Mr. Lawhead said there was an 82-year-old man present with the same problem, noting that if this was in front of someone else's home, he was sure something would be done. He said it did not matter who lived there before, and it did not matter who was there first. Mr. Lawhead indicating that when he moved there, the gun club had 50 members and there were very seldom gun shots, now there were 250 members and it was all day long everyday until 7:30 p.m. He said there must be some way to restrict the noise. Solicitor Beener stated then Mr. Lawhead was asking that the Township to adopt a noise ordinance. Mr. Lawhead said if that was what it was going to take, then there should be one. He again said he was going to purchase loud speakers for his truck and he was going to play loud music.

At this point, Leo Marisa stated there were no restrictions when the gun club bought the property when it was originally opened. Chairman Gindlesperger said there also were no time limitations on the shooting hours. Mr. Lawhead said there were 50 members at that time. Mr. Marisa and Calvin disagreed with Mr. Lawhead, stating there were 250 members back then. Mr. Lawhead definitely disagreed, noting that there was a waiting list to get into that club. Mr. Lawhead further stated that the gun club did not pay taxes, they were non-profit, and he and his neighbor were two tax paying citizens who would like something done about the noise from the club. Again, Mr. Lawhead said he was not asking the Supervisors to adopt a noise restriction, which would affect the whole Township, he was asking the Supervisors to work with them. He said he would like the gun club to quit shooting at 5:00 p.m., so he could have a normal life.

Chairman Gindlesperger suggested that Mr. Lawhead approach the gun club to work something out. Mr. Lawhead said he did go to them, and they said he should do what he had to do. Mr. Lawhead also noted that he and his neighbor maintained the road going in and out of the club, the club did not do anything. Chairman Gindlesperger stated when he was a member of that club; he worked on that road with a backhoe. He again informed Mr. Lawhead that the Township had no authority over this matter other than adopting a Township-wide noise ordinance. Mr. Lawhead then said the Township should come up with a noise ordinance. Chairman Gindlesperger noted that the Township did have a public nuisance ordinance. Mr. Lawhead felt this matter was a public nuisance. Chairman Gindlesperger stated it was not because it was an established club; it was there prior to Mr. Lawhead. Solicitor Beener asked if Mr. Lawhead was requesting that the Supervisors consider adopting a Township-wide noise ordinance. Mr. Lawhead answered, yes. He again stated that when he came to the meeting, he did not want a noise ordinance initiated. At this point, more conversation and argument continued. A question was asked about what the Rod and Gun Club paid per year in taxes. It was requested that an answer be given at the next meeting. Someone noted that the club did pay taxes.

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Steve Buncich of 168 Western Avenue, stated that as Chairman of the Conemaugh Township Recreation Commission, he received a call from someone who said they had heard that the Supervisors were working on a deal to sell the baseball field to the Conemaugh Township Youth League. Solicitor Beener explained that he was working on a long-term lease between the Conemaugh Township Youth League and the Township where the League would be responsible for all maintenance at the fields. He stated that by having a long-term lease, the League would be eligible to apply for more grants. Solicitor Beener further explained that the Township would still own the ballpark, and also noted that currently the lease was year to year. He stated that the lease would be written so that if either party wanted to get out of the lease, they could. Mr. Buncich asked if anyone else could use that park-- for instance the Whitewater Park input areas. It was noted that the Youth League only uses the ballfield for approximately four months out of the year. Solicitor Beener was not sure if the park boundaries went to the "put-in" place for the water. Mr. Buncich asked that the Supervisors think about the access availability to the water when drawing up this lease agreement.

Dan Griffith of 3040 Somerset Pike was concerned about the cost of the police K-9 dogs, noting that the Supervisors stated at the last meeting the dogs would cost the Township nothing. Mr. Griffith felt that was not true, since he had read in the newspaper that the one dog cost \$7,500.00. He wanted to know the cost of the dogs, including their upkeep. Mr. Griffith also wanted to know if the K-9 officer received overtime pay if called out from another municipality and who would pay that. He wanted it known that he did not have a problem with a K-9, but he did have a problem with two K-9's, especially since Township employees were currently laid off. Mr. Griffith felt the Supervisors were spending money frivolously, indicating that the motorcycle was also a waste of money. He further stated that the Durango's were being used as K-9 units and cost a lot more to run than cars. Mr. Griffith also stated he had no problem with the police department expanding, but the laid off employees should be brought back to work, or money should be given to the fire companies. Mr. Griffith requested that the Supervisors have the costs for the K-9's announced at every meeting.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the minutes of the regular meeting of May 16, 2007, and Special Meeting of June 4, 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to pay the bills for the month of June 2007 in the amount of \$96,137.56 for the General Fund, \$1,156.31 for the Liquid Fuels Fund, and \$30,101.42 for the Sewer Fund. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

POLICE REPORTS:

The police reports as submitted by Chief Howard Jackson for the month of May 2007 for Conemaugh Township, Benson Borough, Stoystown Borough, Quemahoning Township, and Shade 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 May 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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PERSONS TO BE HEARD:

Joseph Stevens, of 126 Stevens Lane stated that apparently the citizens were not allowed to know anything that went on in the Township. Solicitor Beener stated that was absolutely outrageous. Mr. Stevens said he just wanted to have his say. Solicitor Beener said that since Mr. Stevens has had many “says”, his statement was outrageous. Mr. Stevens again said the citizens did not have the right to know, and he continued with the following items:

1. Mr. Stevens wanted a new attorney appointed to deal with his sewer situation, since he could not use his attorney because it was a conflict—the Township uses the same firm. He therefore stated that as of tonight he would no longer be speaking to Solicitor Beener about this matter. Solicitor Beener noted that he agreed with this.

2. Mr. Stevens informed the Supervisors he had received a letter, dated May 30, 2007, of which Solicitor Beener also had received a copy. He stated what he could make out from this letter was that he did not have the right to know. The letter pertained to the question Mr. Stevens asked regarding the sewer taps paid for Mr. Clarence Hart’s building. Mr. Stevens wanted Solicitor Beener to interpret this letter. At this point, Mr. Stevens read the letter, which was from an attorney representing Mr. Clarence Hart. The letter stated that the matter of the sewer taps paid by Clarence Hart was not appropriate to be discussed at public meetings, and was not scheduled on the Agendas to be discussed at the meetings. The letter further asked that Mr. Stevens not raise these matters in the future at the Supervisors’ meetings, and if he insisted on pursuing this, appropriate actions would be taken to prevent this from occurring. Mr. Stevens stated that all he was asking was what was going on in the Township. He wanted to know how one person was permitted to get away with something and others were not—and this question was not answered yet. Mr. Stevens noted he was referring to a resident who had seven units in a building and had to pay for seven sewer taps, but he had only two lines coming from his building. Mr. Hart noted that he paid for seven EDU’s (“Equivalent Dwelling Unit”), indicating that there could be one pipe for seven units, but seven EDU’s had to be paid for. Mr. Stevens said he was told by a very reliable source—and he was going to repeat it tonight even though he could be sued, he did not know what the problem was—that Clarence Hart only had two sewer taps into the Hart Building, however there were six rental units in that building.

At this point, David Hart stated that Mr. Stevens reliable source was very unreliable because there were not six rental units in that building; it was a commercial building, and it was billed differently. He further stated there were two upstairs units in that building, which were occupied, and that was it. David Hart informed Mr. Stevens that two taps were paid for, and after that it was paid upon consumption; noting that no one else lived there except for the two tenants upstairs. Mr. Stevens stated he remembered that David Hart said his father paid for eight sewer taps. David Hart answered that this involved the other buildings owned by his father—he did pay for eight sewer taps. Mr. Stevens felt David Hart was twisting things around. David Hart said he was only answering the questions the way they were asked. Again, Mr. Stevens asked how many sewer taps should be paid for in the Hart Building. David Hart, answered, two. Mr. Stevens asked how many rental units were in that building. David Hart answered, two. Mr. Stevens asked why did David Hart had said Clarence Hart had paid for eight. David Hart stated it was because Clarence Hart owned six rental units behind the Hart Building. Mr. Stevens felt that something was funny. Chairman Gindlesperger reiterated there were six units up on top of the hill above the Hart Building.

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Chairman Gindlesperger stated Clarence Hart had three buildings and eight taps. Mr. Stevens wanted to know if the Hart Building was only capable of two rental units. Clarence Hart said it did not matter what it was capable of. Mr. Stevens wanted to know what it was laid out for. Clarence Hart stated it was really laid out for his business. Chairman Gindlesperger asked Mr. Stevens if he had anything else. Mr. Stevens said he did not think this matter was answered yet. Dave Hart wanted to know why Mr. Stevens needed to know this. Mr. Stevens felt there was something that was not being told—something was going on.

CORRESPONDENCE:

Chairman Gindlesperger read a letter received from Mr. David Maldet stating that he was resigning from the Conemaugh Township Planning Commission effective June 4, 2007 due to health issues. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept Mr. David Maldet's resignation from the Conemaugh Township Planning Commission effective June 4, 2007, and to send him a letter of thanks. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

OLD BUSINESS:

1. **AWARD BID FOR STONYCREEK WHITEWATER PARK:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to award the bid for the construction of the Stonycreek Whitewater Park to Kukurin Contracting, Inc., 1169 Rt. 286, Export, PA in the amount of \$488,488.00; and to approve additional project costs of \$25,000.00 in construction consultant fees and \$30,000.00 in engineering fees, for a grand total project cost of \$543,488.00; contingent upon available funding and Solicitor's review. Under comments, Michael Quinn wished to comment regarding the Whitewater Project, stating that it was a long time coming and it was a very unique thing; it was the first in-channel whitewater park in the state of Pennsylvania. It was a form of recreation in the Township's backyard that people travel from 12 other states to enjoy whenever the water was running. The Quemahoning Release project is currently being developed in tandem with Whitewater Park. The Department of Conservation and Natural Resources had committed \$500,000.00, and Melon Foundation had committed \$500,000.00, for a total of one million dollars to the Que Project, which was scheduled for construction next summer. This was being developed 15 miles away from Whitewater Park. Whitewater Park was completely separate and was being constructed at Greenhouse Park. It was designed to be a low flow park, so that when the water was not running very high, it would still be able to be used. There were 6500 tons of stones ready to be moved in a couple of weeks, which would be placed into the river in a very specific pattern to create hydraulics for kayaking and tubing. The Heinz Endowment had given a \$60,000.00 grant for the engineer and design of a spectator bridge over Whitewater Park that would connect Greenhouse Park over Whitewater Park with the trolley trail, and the Jim Mayer trail. Mr. Quinn stated this Park would be a tremendous asset to Conemaugh Township and the Supervisors should be proud, noting that with the motion tonight, construction should probably start late next month and should take eight weeks. Solicitor Beener noted he and the Supervisors had worked on this hard for two years, as did Mike Quinn. He further stated that since the funding was very close, but it is not quite in hand, the intent of the motion was to give approval contingent upon receiving the final items, which he had to review, and then the Project could move on so there would be no delays. Solicitor Beener noted that there was not cost to the Township for this Project. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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NEW BUSINESS:

1. **APPOINTMENT OF PLANNING & ZONING CONSULTANT:** There was a motion by Mr. Kauffman, seconded Hart, to appoint The EADS Group as Planning and Zoning Consultant for the Township. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
2. **ADVERTISE TO REDUCE MEMBERS ON PLANNING COMMISSION BOARD:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to authorize advertisement of an ordinance to reduce the number of members on the Conemaugh Township Planning Commission Board from nine members to seven members. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
3. **ADVERTISE FOR FINANCING FOR POLICE CRUISERS:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to authorize advertising for bids for the financing of two new police cruisers. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
4. **ADVERTISE FOR SALE OF USED POLICE PISTOLS & RIFLES:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to authorize advertising for the sale of used Township police pistols and rifles. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
5. **ADVERTISE FOR DIESEL FUEL BIDS:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to authorize the advertisement for bids for diesel fuel to be supplied by a dispensing station using a card system; bids to be opened at a Special Supervisors' meeting on July 10, 2007 at 10:00 a.m. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
6. **RESOLUTION R-03-07 SUPPORTING TOUR de 'TOONA:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adopt Resolution R-03-07 endorsing the 2007 International Tour de 'Toona race as it passes through Conemaugh Township. Chairman Gindlesperger noted that this would not cost the Township anything; they just needed approval to close some of the Township roads as they rode through the Township. 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 plan on 6/12/07. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Goldie M. Varner, owner and applicant, to create Parcel A containing approximately 0.195 acre from the parent Parcel 6 on Tax Map No. 22 owned by same, and merge Parcel A with Parcel 180 on Tax Map No. 6, thus revising the size of Parcel 180 on Tax Map 6 to be .0556 acre. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

UPDATE SEWER PROJECTS:

1. **TIRE HILL SEWER PROJECT:** Tom Reilly of The EADS Group reported that they had talked to the contractors about finishing the warranty work. PENNVEST was also contacted twice regarding a date for the final payment. No answer had been given, but they would

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continue to ask. Mr. Reilly noted PENNVEST had a lot of bureaucracy to go through. Mr. Hart added that there were 36 customers not hooked up to the system as yet.

2. **PHASE II-BENSCREEK SEWER PROJECT:** Mr. Reilly stated there was nothing to report on this project at this time; everything was in PENNVEST hands right now.

ITEMS FOR DISCUSSION:

None.

ANNOUNCEMENTS:

1. There will be a special meeting of the Township Supervisors on July 10, 2007 at 10:00 a.m. to open bids received for diesel fuel.
2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, July 18, 2007 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adjourn the meeting at 8:00 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer