

## MINUTES OF REGULAR MEETING OF MAY 16, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:04 p.m. on May 16, 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 felt the Supervisors were very rude and “snotty” at the last meeting, indicating that they had cut him off from speaking after five minutes. He stated others had talked later in the meeting and were not cut off and the Supervisors should be consistent. Mr. Stevens stated he had asked Mr. Kauffman today if the Township was going to settle with him and the answer was no. He wanted to know if that was correct. The Supervisors answered, yes. Mr. Stevens stated he then withdrew his offer to compromise. He asked for an answer to last meeting’s question of how much time the Township attorney had spent on his issue. Solicitor Beener said he did not add up the hours, this was itemized on all his invoices to the Township. Mr. Stevens stated he would come to the Township office to review these invoices.

Mr. Stevens referred to the meeting minutes of June 21, 2006 where Russ Freidline complained about originally being told to pay for two tap-in fees, but then he had to pay for seven, one for each unit in his building. He stated he heard that the Hart building on Rte. 403 only paid for two sewer tap-ins, when there were approximately six units in that building. Chairman Gindlesperger stated he could not answer that right now since he did not have the records in front of him. Mr. Stevens wanted Clarence Hart to answer his question about how many sewer tap-ins he had paid since he was present. Solicitor Beener said Clarence Hart did not need to do that—this was just a public comment session. Mr. Stevens asked if other people had not paid as yet. The answer was, yes. Josh Kalp of The EADS Group reported that there would be a total of 385 new customers on the new sewer system. Mr. Hart noted that all but thirteen paid.

Mr. Stevens felt the Supervisors should adopt a resolution for people on the new sewer system to give certification of correctness indicating that the sewer line was put where it was shown to go.

**Dan Saylor** of Thomas Mills wanted to know if the Police Department had received the police dog yet. The Supervisors answered that the dog was here. Mr. Saylor wanted to know who was handling the dog. He was answered that Chief Howard Jackson was the handler and the dog was at his residence.

**John Lawhead** of 298 Rod & Gun Club Road asked if there would be a way to change the shooting hours for the Tire Hill Rod & Gun Club. He said they shoot 9:00 a.m. to 7:30 p.m. seven days a week, and he would like them to quit by 5:00 p.m. Mr. Lawhead said they had planted trees a few years ago to try to block the noise, but they were small and did not help. Mr. Lawhead stated they were disturbing the peace. Solicitor Beener said he needed to check the Zoning Ordinance and any other ordinances on general nuisances and disturbances. He further stated that in order to adopt an actual noise ordinance noise decibel studies needed to be conducted, as had been discussed in the past. Chairman Gindlesperger said Mr. Lawhead’s concerns would be looked into and the Supervisors would get back to him at the next meeting.

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Mr. Lawhead said he would be here.

### **MINUTES:**

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the minutes of the regular meeting of April 18, 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – 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 May 2007 in the amount of \$183,313.13 for the General Fund, \$15,550.49 for the Liquid Fuels Fund, and \$35,530.78 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 April 2007 for Conemaugh Township, Benson Borough, Stoystown Borough, and Quemahoning Township were read. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the police reports as read for the month of April 2007. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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

**Joseph Stevens**, of 126 Stevens Lane, asked the Supervisors if they would accept his compromise proposal of \$15,000.00. The answer was, no.

Mr. Stevens wanted the following answered by the next meeting:

1. Mr. Stevens asked that the Township Solicitor inform him of his civil rights in regard to the sewer line issue on his property, indicating that he was denied due process. He stated he was told to sign his property over to the Township, or it would be condemned. Mr. Stevens further noted that the sewer line was not constructed where it was supposed to have been.
2. Mr. Stevens wanted to know if he had the right to move the sewer line off his property. He wanted to know if he could charge a fee for the use of his property.
3. Mr. Stevens wanted to know the Township's insurance agency for the Errors and Omissions insurance coverage.

Mr. Steven stated that if these matters could not be resolved by the next meeting, he would ask that a mutual attorney be appointed, since his attorney works for the same firm as Solicitor Beener. He noted that a new survey would be needed, and new costs would be involved. Mr. Stevens wanted the Supervisors to give him a chance to meet with the Township's insurance company and get things resolved.

Solicitor Beener stated to Mr. Stevens that this was the third Supervisors' meeting he (Mr. Stevens) had attended asking questions, and he had sent a letter to Mr. Stevens outlining everything pertaining to his issue. Solicitor Beener asked Mr. Stevens if the letter was correct. Mr. Stevens said he would have to go over the letter more thoroughly. Solicitor Beener particularly pointed out to Mr. Stevens the part in his letter where it stated that according to Mr. Steven's survey performed by Rita Halverson, the sewer line on Mr. Steven's property starts on

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his property a maximum distance of 6.77 feet and decreases over approximately 60 feet where it left his property. Solicitor Beener further stated Mrs. Halverson's appraisal said the area of right-of-way on Mr. Steven's property "...lies within the set back lines as required by ordinance and therefore, nothing could be built there by the Stevens' so that the land used by the authority would not have interfered with any building project." Mrs. Halverson's appraisal continued to say, "In my opinion, a nominal amount would be warranted for the use of the small sliver of Stevens' land without first having obtained your permission to do so as well as an amount for the cost of the survey that you obtained at your expense that shows the encroachment on the property." Solicitor Beener noted Mr. Stevens chose the surveyor and the Township paid for the survey. Again, Solicitor Beener asked Mr. Stevens if his letter was in any way incorrect. Mr. Stevens replied that he was still not getting anything resolved and did not agree with Mrs. Halverson or the Township.

Solicitor Beener informed Mr. Stevens that he was told over and over that the Township agreed with him, noting that Mr. Stevens had been attending meeting after meeting since the 1990's, resulting in his issue being tabled and going on for years. He further informed Mr. Stevens that this Board of Supervisors actually responded to him and was willing to do exactly what Mrs. Halverson had advised. Mr. Stevens said again, he wanted his civil rights; they were violated and he wanted an answer by the next meeting, and he also felt it should be turned over to the Township's insurance company. Solicitor Beener stated he would address Mr. Stevens' six new questions and would answer them by the next Supervisors' meeting.

### **CORRESPONDENCE:**

Chairman Gindlesperger read an e-mail that was sent to the Supervisors from Ron McGee advising the Supervisors that he would be retiring from employment with the Township effective 4:00 p.m. on May 31, 2007. The e-mail further noted that Mr. McGee would be on vacation from May 15 through 31, 2007. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the retirement of Ronald McGee as an employee of Conemaugh Township, effective May 31, 2007. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. **AWARD BIDS FOR 2007 ROAD MATERIALS:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to award the following bids:

**Road Materials (Delivered) to Homer R. Sleek & Sons for:**

#8 Limestone (or) Anti-Skid Limestone Equivalent – 14.15/ton

Type 2 Slag – Anti-Skid – Limestone Only – 11.35/ton

#57 Stone – Limestone Only – 13.80/ton

**Road Materials (Delivered) to New Enterprise Stone & Lime for:**

2A Stone – Limestone Only – 11.45/ton

2RC Stone – Limestone Only – 11.45/ton

**Road Paving/Sealing Materials (FOB at Plant) to HRI, Inc. for:**

ID-2 Wearing Course or 9.5 mm – 49.00/ton

BC-BC Base Course or 25 mm – 40.00/ton

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**Cold Patch (FOB at Plant) to HRI, Inc.** – 52.00/ton

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

2. **EXONERATION OF TAXES-COOKIETOWN PROPERTY:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to exonerate all Township taxes due on the Cookietown Property, Reference No. 12-0-006920, for the years 1987 through 2004. Solicitor Beener explained that this property was located off Route 403 and was condemned a few years ago. The Township owns this property. It was discovered that the taxes had not been exonerated. Roll call vote: Mr. Kauffman – yes, Mr. Hart- yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this plan on 5/8/07 pending receipt of DEP approval of the application for sewage planning module exemption. (Exemption approval received 5/11/07). There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve the subdivision plan for Robert E. & Margaret Hillegass, property owners and applicants, to create Parcel A containing approximately 1.0 acres from parent parcel S12-029-071-00. 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 they were still waiting for warranty work to be completed. A request was sent to the contractors for a second time requesting a schedule for that work to be done. The DEP final inspection was held on April 5, 2007, and now the 5% PENNVEST retainage would be released within one month, if no other problems occurred. As of this date, there were 348 customers connected to the new system.

Mr. Kalp also reported that the Greenhouse Park Whitewater Park pre-bid conference was held May 7, 2007, and bids would be opened on June 4, 2007 at the Township building.

2. **PHASE II-BENSCREEK SEWER PROJECT:** Mr. Kalp stated a list of the rights-of-way obtained was received from Mr. Leech, and that part of the project was almost completed. The Township's PENNVEST funding application for this project would be reviewed at PENNVEST's board meeting on July 17, 2007. Additional language would be added to the application in order to make it stronger.

Mr. Kalp stated his office had completed the 2006 MS-4 Stormwater Management Report and he was requesting approval to submit this report to DEP. There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve submission of the year 2006 MS-4 Stormwater Management Report by The EADS Group to the Pennsylvania Department of Environmental Protection. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **ITEMS FOR DISCUSSION:**

None.

**MINUTES OF MAY 16, 2007 MEETING CONTINUED.**

**ANNOUNCEMENTS:**

1. There will be a Special Meeting of the Township Supervisors on June 4, 2007 at 10:00 a.m. to open bids received for the Construction of Whitewater Park.
2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, June 20, 2007 at 7:00 p.m.

**ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Hart to adjourn the meeting at 7:39 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer