

MINUTES OF REGULAR MEETING OF OCTOBER 21, 2009

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on October 21, 2009 by Chairman Steven Buncich. Board members present were Steven Buncich, Chairman, Wayne Kauffman, Vice-Chairman, and Albert Zuccolotto, Assistant Secretary/Treasurer. Solicitor William Barbin was present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT:

Joe Stevens of Stevens Lane had a question on Item #3 under New Business pertaining to proposed Resolution R12-09 which would impose a \$20.00 penalty on each delinquent sewer accounts at the time of physical posting for water termination. He wanted to know if Bob McKool of Pine Crest Estates was going to be charged. Solicitor Barbin stated that this would not affect Mr. McKool since there was a different set of rules to shut off water to a multiple tenant property.

Ernest Spory, Emergency Management Coordinator, wanted to thank the Supervisors for supporting his suggestion that trick-or-treat be set during daylight hours. He was sorry that it “stirred up a hornet’s nest” and he appreciated the attempt. The Supervisors and Mr. Spory received numerous complaints about this. Mr. Spory stated that since trick-or-treat was being changed to October 29th from 6 to 8 p.m. he was requesting a swing car and a third cruiser that evening for safety. Chairman Buncich stated that the Chief of Police had been made aware of this. Mr. Spory stated he was working on possible alternatives for trick-or-treat next year. Mr. Zuccolotto felt that this would be a good question to include in a newsletter.

Peggy McClain of Frosty Lane (referring to the proposed Agreement with GJWA) stated that the Greater Johnstown Water Authority read meters quarterly which meant that two months were estimates and the third month was actual. She would pay extra the third month. Ms. McClain felt many people would be affected. Chairman Buncich stated that the Supervisors were aware of this and would set something up in the computer system. Mr. Zuccolotto stated there was no other way to do this because the Township could not read the GJWA meters. Ms. McClain asked about having deduct meters installed for washing of vehicles/houses, etc., noting that GJWA did not read those meters. Solicitor Barbin stated that he would have to write up something regarding deduct meters; the residents could call in their own readings with the Township periodically spot checking to be sure these readings were correct. He further stated that the Township would need to know what the deduct meters were connected to.

NOTIFICATION OF EXECUTIVE SESSSION:

The Supervisors met on September 17th with the Township Solicitor to discuss sewer matters; on October 19th with the Township Solicitor and Dean Yoder of DL Development to discuss the upper portion of Hillcrest Avenue; and on October 19th with the Township Solicitor and Randy Younkin regarding sewer operations.

MINUTES:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of September 16, 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

MINUTES OF OCTOBER 21, 2009 MEETING CONTINUED.

BILLS:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to pay the bills for the month of October 2009 in the amount of \$66,397.12 for the General Fund, \$4,328.48 for the Liquid Fuels Fund, \$225,772.86 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

POLICE REPORTS:

The police report as submitted by Chief Louis Barclay for the month of September 2009 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 199. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the police report as submitted for the month of September 2009. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

Ron Keafer of Welsh Valley Drive stated that on June 28, 2009 at 9:00 p.m. a young gentleman ran through the stop sign, went down his driveway into his open garage door and pushed his car out the back with his wife standing there. He stated that the emergency personnel pulled this vehicle out. It was stated that the brakes had failed, but the father arrived and said the brakes had just been fixed on this vehicle and he drove the vehicle away, and no citation was written. Mr. Keafer stated he had approximately \$18,000 in damage and he wanted to know how this person could get away with this. Solicitor Barbin stated that the Supervisors were not the ones to make the decision in this matter, the police were. Chief Barclay suggested that Mr. Keafer go to the police office with him to discuss this matter further, which he did.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. **TRICK OR TREAT NIGHT:** Chairman Buncich stated the Supervisors thought they made a good decision last month by setting trick-or-treat for Saturday afternoon, but everywhere he went he was “hit” about that. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to revise trick or treat night to be held in Conemaugh Township on October 29, 2009, Thursday evening, from 6:00 p.m. to 8:00 p.m. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich noted that the school district and fire companies were advised of this change; also the sign in front of the municipal building was changed. Ernest Spory, Emergency Management Coordinator, again thanked the Supervisors for attempting to set trick-or-treat in daylight hours for the safety of the children.

2. **WATER TERMINATION & READINGS AGREEMENT WITH GJWA:** This item had been tabled from the February 18, 2009 meeting. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve a Water Termination and Readings Agreement with the Greater Johnstown Water Authority regarding delinquent sewage accounts. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

MINUTES OF OCTOBER 21, 2009 MEETING CONTINUED.

3. **RESOLUTION R14-09:** Chairman Buncich stated this concerned the portion of Hillcrest Avenue that ran through the DL Development. He said the Supervisors had numerous discussions with the developer as to what needed to be done to this part of the road in order for the Supervisors to take it over. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to adopt Resolution R14-09 accepting Hillcrest Avenue Extended as a public road of Conemaugh Township, contingent upon receipt of a signed Agreement for additional work and an easement for the road drainage system from DL Development. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously

4. **CRESPO CONTRACTS:** Chairman Buncich stated that Mr. Crespo had been at a Supervisors' meeting about two months ago to propose contracts for geese control and dogs and animals within the Township; but the Supervisors had not met any further with him. Mr. Zuccolotto felt the Supervisors should meet to discuss further dog/cat control, but he felt that there were some other things that could be done regarding the geese at Greenhouse Park that other municipalities were doing—this needed to be discussed further. The Supervisors would set up a meeting with Mr. Crespo.

NEW BUSINESS:

1. **PENSION PLAN MUNICIPAL OBLIGATION – STATE AID DEPOSIT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to ratify the September 22, 2009 deposit of the 2009 State Aid funds received in the amount of \$28,899.32 into the Non-Uniform Pension Plan with Mass Mutual Retirement Services, which represents more than the minimum municipal obligation due to the Plan for the year 2009. (The Police Pension Plan is currently overfunded.) Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. **CONTRIBUTION TO LIBRARY:** Chairman Buncich stated that a request was received from the Somerset County Library for a contribution of an additional \$6,000.00 to the Conemaugh Township branch library. He said part of the reason for this request was that a contribution to the library was in the Township's budget of which half had been given earlier this year to them and they were now requesting the other half. Chairman Buncich noted that the State Budget was adversely affecting libraries. He suggested that the Supervisors meet with someone from the Library Board to see if the Township's contribution would keep them from closing.

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to table this request until the Supervisors met with the Library to discuss their finances. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **RESOLUTION R12-09:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to adopt Resolution R12-09 imposing a \$20.00 penalty on each delinquent sewer account at the time of physical posting for water termination. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **RESOLUTION R13-09:** Chairman Buncich stated that a permit would be issued by the Township with a fee for re-roofing and if the homeowner presented proof that the material had been properly disposed of at the landfill, this fee would then be refunded to them. He stated this was to prevent illegal dumping of shingles. There was some discussion with the public in attendance as to whether or not this would be the homeowner's responsibility if they had a

MINUTES OF OCTOBER 21, 2009 MEETING CONTINUED.

contractor performing the work. Solicitor Barbin stated it would be the responsibility of the homeowner since they hired the contractor. Mr. Zuccolotto stated that he had been opposed to the Township charging various permitting fees for things like re-roofing and had suggested that a set fee be charged for re-roofing which could be refunded if proof of disposal was presented.

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R13-09 imposing a roofing material disposal permit fee, which would be refunded upon the roofing material being properly, disposed of. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **LAND DEVELOPMENT:** This site development plan for Cocca Development for a new Dollar General Store on Penn Avenue in Jerome was approved by the Supervisors at their meeting of November 19, 2008 contingent upon satisfying comments in letters from The EADS Group and Walker Consulting Services. All items were satisfied and construction began. Due to a change in the adjacent stream elevations, the stormwater management system outfall elevation as per the original design fell below the elevation of the adjacent stream. A revised stormwater management design was submitted and the Planning Commission approved the revised plan on September 2, 2009, pending The EADS Group approval of the plan. The EADS Group submitted a letter with items that needed to be in place for approval of this revised plan, all of which have been satisfied. It was noted that this store opened last Thursday.

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the revised stormwater management plan for Cocca Development for the new Dollar General Store. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

PHASE II BENSCREEK SANITARY SEWER PROJECT

1. **ENGINEER UPDATE** – Josh Kalp of the EADS Group gave an update as follows:

Contract 05-S-01 and Contract 05-S-02 - Tire Hill STP Dewatering Building – 100% complete – closed out.

Contract 05-S-03 – Area A (Benscreek to Frosty Freeze) – Approximately 34,400 LF of sanitary sewer lines have been installed. The Contractor was finishing up along Route 403 and was currently working on the tie-in with the existing system from Scooter's to the Benscreek Pump Station and from Glessner Road to the Benscreek Pump Station. Restoration was on-going in this area.

Contract 05-S-04 – Area B (Frosty Freeze to entrance of North Fork County Club) – Approximately 25,200 LF of sanitary sewer lines have been installed. There was no production in this area over the last month. Restoration was on going.

Contract 05-S-05 – Area C (Country Club Road to Thomas Mills) – Approximately 44,700 LF of sanitary sewer lines have been installed. This was the area seeing the majority of construction at this time. The contractor was continuing to work along Moonlite Park Road. Working in this area were three pipe crews, one clearing crew, one boring crew, and two restoration crews. They had not added any pipe crews from last month.

MINUTES OF OCTOBER 21, 2009 MEETING CONTINUED.

Brian Shoff asked where the project was as far as completion. Mr. Kalp stated the project was approximately 70% complete. Mr. Shoff asked if the contractors were meeting the schedule. Mr. Kalp stated that Ligonier Construction had requested a 60 day time extension on their contracts.

Mr. Holbay asked about what tap-in fees the Watberk Development paid. Chairman Buncich stated that they had not paid yet. Mr. Holbay wanted to know if they were only going to pay for one tap. Mr. Kalp stated that he would be meeting with Solicitor Barbin and Scott Watson regarding Watberk. Solicitor Barbin stated that they would not be permitted to pay a tap fee price of one.

2. **PROJECT INVOICES:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the payment of the following invoices for the Benscreek Sanitary Sewer Project totaling \$777,050.76:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$219,282.01	Construction - Contract 05-S-03
Ligonier Construction Co.	\$ 19,337.74	Construction - Contract 05-S-04
Ligonier Construction Co.	\$488,281.32	Construction - Contract 05-S-05
EADS Group, Inc.	\$ 26,619.80	A/E Fees – Inspection
EADS Group, Inc.	\$ 942.20	Administration
EADS Group, Inc.	\$ 6,000.00	A/E Fees - Basic Design
First Commonwealth Bank	\$ 2,405.00	Interest during Construction
Commonwealth of PA	\$ 2,799.28	Interest during Construction
Commonwealth of PA	\$ 4,419.91	Interest during Construction
BCBRM	\$ 513.00	Legal
BCBRM	\$ 6,365.00	Land Acquisition
Somerset Recorder of Deeds	\$ 57.00	Land Acquisition
Somerset Recorder of Deeds	\$ 28.50	Land Acquisition

Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **CHANGE ORDER NO. 4 – CONTRACT 05-S-03:** This Change Order is a lump sum Change Order for the previous use of slag backfill. There was a motion Mr. Zuccolotto, seconded by Mr. Kauffman, to approve Change Order No. 4 for Contract 05-S-03, Benscreek Sewers – Area A, in the amount of -\$9,280.70, which will reduce the total contract amount.. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **CHANGE ORDER NO. 5 – CONTRACT 05-S-03:** Ligonier Construction has requested a 60 day time extension for this contract. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve Change Order No. 5 for Contract 05-S-03, Benscreek Sewers – Area A, which would extend this Contract 60 days to February 15, 2010. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **CHANGE ORDER NO. 2 – CONTRACT 05-S-04:** This Change Order is a lump sum Change Order for the previous use of slag backfill. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve Change Order No. 2 – Contract 05-S-04, Benscreek Sewers – Area B, in the amount of -\$2,543.95, which will reduce the total contract amount. Roll

MINUTES OF OCTOBER 21, 2009 MEETING CONTINUED.

call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

6. **CHANGE ORDER NO. 3 – CONTRACT 05-S-04:** Ligonier Construction has requested a 60 day time extension for this contract. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve Change Order No. 3 for Contract 05-S-04, Benscreek Sewers – Area B, which would extend this Contract 60 days to February 15, 2010. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

7. **CHANGE ORDER NO. 3 – CONTRACT 05-S-05:** This Change Order is a lump sum Change Order for the previous use of slag backfill. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve Changed Order No. 3 – Contract 05-S-05, Benscreek Sewers – Area C, in the amount of -\$375.30, which will reduce the total contract amount. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

8. **CHANGE ORDER NO.4 – CONTRACT 05-S-05:** Ligonier Construction has requested a 60 day time extension for this contract. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve Change Order No. 4 – Contract 05-S-05, Benscreek Sewers – Area C, which would extend this contract to February 15, 2010. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

9. **CHANGE ORDER NO. 5 – CONTRACT 05-S-05:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve Change Order No. 5 for Contract 05-S-05, Benscreek Sewers – Area C, in the amount of \$15,444.21 for the installation of approximately 645 feet of 15” storm sewer on Pikeview Drive. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

ITEMS FOR DISCUSSION:

None.

William Holbay of Ligonier Pike asked how many tap fees were paid so far. Mr. Zuccolotto thought it was approximately \$376,000. Chairman Buncich said that exact information was not available here tonight, but was available through the Sewer Department Office.

Joe Stevens of Stevens Lane asked Solicitor Barbin if he had prepared an update on all the Township lawsuits as he had requested at a past meeting. Solicitor Barbin stated he had not been able to prepare that yet, but he would. Chairman Buncich stated this would be available at the next meeting.

At this point, there were various complaints reported to the Supervisors concerning problems along PennDOT roads. The Supervisors stated they appreciated being informed of these situations. They further stated that they did frequently call PennDOT on various problems and would notify them on what was given to them tonight.

Lou Huber of Soap Hollow Road wanted to know when the Krings Bridge would be opening back up. Chairman Buncich stated the latest the Supervisors heard was that it was opening on Friday at 1:00 p.m. after it was inspected.

MINUTES OF OCTOBER 21, 2009 MEETING CONTINUED.

Brian Shoff of Treasure Lane stated that since the new water tower was installed by GJWA water lines have been breaking and he wanted to know if there was any way to get the pressure turned down. Solicitor Barbin said he should make this comment to the GJWA since it was their tower and lines.

ANNOUNCEMENTS:

1. Benson Borough has picked up the used radio equipment from the police department.
2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, November 18, 2009 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:49 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer