

## **MINUTES OF REGULAR MEETING OF NOVEMBER 19, 2008**

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on November 19, 2008 by Chairman Steven Buncich. Board members present were Steven Buncich, Chairman, and Wayne Kauffman, Vice-Chairman. Albert Zuccolotto, Assistant Secretary/Treasurer, was absent. Solicitor William Barbin was present.

Pledge to the Flag.

### **FLOOR OPENED TO PUBLIC COMMENT:**

None.

### **NOTIFICATION OF EXECUTIVE SESSSION:**

The Supervisors held an Executive Session on Wednesday, November 12, 2008 at 9:00 a.m. to discuss legal matters.

### **MINUTES:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the minutes of the regular meeting of October 15, 2008. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to pay the bills for the month of November 2008 in the amount of \$74,249.04 for the General Fund, \$3,694.51 for the Liquid Fuels Fund, and \$37,466.31 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

### **POLICE REPORTS:**

The police report as submitted by Chief Louis Barclay for the month of October 2008 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 209. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the police report as submitted for the month of October 2008. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

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

1. **John Mastillo** of Jerome stated he had some concerns and questions regarding the new sewer project, indicating that he had been talking to the Supervisors individually, but he had not gotten any answers. He asked if there were still 200 easements to obtain. The answer was, yes. Mr. Mastillo stated he believed that Menoher Heights was an Agriculture Security Area. He stated that the average sewer bill after the project was completed was estimated at \$53.20, but he had gone over things and said there was an error in the calculations. Mr. Mastillo stated that Pine Crest Estates was marked by EADS to pay 80 EDU's, but Pine Crest was only paying \$3,692/month, when it should be \$4,444/month at 80 EDU's. Mr. Mastillo stated that he had obtained that information from the Sewer Office. He felt that the difference of approximately \$750.00 would have to be distributed among the sewer customers.

Mr. Mastillo disputed the 723 EDU total for the new project, stating that Mr. Zuccolotto had told him it was about 30 EDU's short, which would also have to be divided among the sewer customers. He further stated that if the project lost Menoher Heights because it was in an Ag Security Area, that would be another 25 EDU's that would also have to be divided among the

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sewer customers, which he felt would bring the monthly average sewer bill up to \$75.00.

Mr. Mastillo stated that Mr. Zuccolotto had told him that the Engineers did not know how many sewer tap-ins there would be on the new system. Solicitor Barbin stated that the Township had checked the number of tap-ins with the staff against the Engineers because there was some concern that the sewer staff may have had a different number than the Engineers, and it was approximately 723, noting that this figure would be "plus or minus" because there was always a small margin for error. Mr. Mastillo was concerned about the possible "snowball" effect on this project after looking at all the figures.

Mr. Mastillo asked if the tap-in fee was \$1,750.00. Solicitor Barbin stated that would be an approximate amount at this time. Mr. Mastillo wanted to know if the Township would be covering the tap-in fees with the loan money. Solicitor Barbin stated, no, the Township had to come up with that money itself. Mr. Mastillo wanted to know what would happen if residents could not pay their tap-in fees; would that also increase the sewer rates. Solicitor Barbin stated the Township could borrow funds to cover tap fees. Mr. Mastillo stated that loan would have to be paid back and would that cause the sewer rates to increase. He also felt that the interest paid on any portion of the \$4,000,000.00 loan used would affect sewer rates. Solicitor Barbin said that interest would be covered under contingencies for the project. Tom Reilly of EADS noted that there was an actual line item in the project budget for interest. Solicitor Barbin further stated that the Township understood that some tap-in fees may take awhile to pay and possible payments plans could be set up.

Mr. Mastillo stated there was a difference between the EDU's and tap-ins, and as told to him by Mr. Zuccolotto, the Township was not going to have 723 EDU's on this system. Solicitor Barbin reiterated that the EDU's were checked and were correct.

Mr. Mastillo stated he had called PENNVEST and asked if the user fees had to meet the obligated debt, and he was told that PENNVEST did not get involved with this anymore; it was a total local decision, which would fall on the Supervisors' shoulders on how to fund that debt. Solicitor Barbin said that was a true statement.

Mr. Mastillo wanted to know if it was fair to the Conemaugh Township residents that their sewer bills would increase. Solicitor Barbin stated that this project started some time ago, noting that the Township had incurred substantial costs on this project already. He said the Township had already paid out of the sewer fund revenue \$500,000.00 toward this new project, with \$400,000.00 still owed to EADS for design work and some owed to the former Solicitor for work performed. Solicitor Barbin said that if a decision was made not to go ahead with this new project, the Township would need to borrow \$400,000.00, and it would not be at an interest rate of 1% and would be a shorter term private loan than compared to the PENNVEST loan; and the monthly average sewer bill would increase to approximately \$63.00/month then.

Mr. Mastillo stated that last year Chairman Buncich sat in the audience when the sewer bills were raised 40% and at that time he did not know that the Township had to pay EADS in advance the \$400,000.00 on this new project prior to it being approved. Solicitor Barbin stated that the design of the \$16,000,000.00 sewer project cost approximately \$800,000.00 to \$900,000.00, and the Township paid half of it out of that 40% sewer rate increase. Mr. Mastillo stated that the past Supervisors had not informed the public that they had paid this \$400,000.00 to EADS and that was why the rates went up; they had just said there was no money. Solicitor Barbin stated that the problem was the money was paid, the debt for the other \$400,000.00 has

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been incurred, and if the Township would stop the project, it had to be paid.

Mr. Mastillo stated there was something else he was concerned about on the sewer audit. He said the sewer department paid out \$225,000.00, or \$75,000.00 per month, because someone did not obtain an easement for the power company to run power to the plant and the Township had to pay \$75,000.00 per month with no one being hooked into that system. Mr. Mastillo wanted to know how the Township was recouping the money lost for this mistake so that the sewer customers do not have to pay. Solicitor Barbin stated that this mistake was probably made by the person who was managing the sewer department at that time, but he did not know the facts then, noting that there were a set of priorities the Supervisors were focusing on now. He stated he talked with the past Solicitor concerning this who had said that the past sewer manager made all the substantial decisions and only called him on specific items, but Solicitor Barbin did not know if that was the case with the Engineer.

At this point, Solicitor Barbin stated that he could only devote so much time to Conemaugh Township; this was not his full time job. He stated that the sewer project was very scary right now; the Township had all this money “sucked” up into it already, had money owed on it, had 200 easements yet to obtain, and the loan with PENNVEST could not be closed until all the real estate was taken care of, and the possibility was that the sewer customers could get stuck with a horrible debt because of how the sewer department was run before, noting that he was speaking for himself. Solicitor Barbin further stated he had not seen anything that made him want to put the blame on the Engineer or the past Solicitor, he put the blame on the past sewer manager. Solicitor Barbin said that he had seen enough contradictions and special favoritism-type deals; including the McKool matter at Pine Crest where the Township let an entire sewage project go by without collecting tap-in fees and received payment of two thirds of the sewer bill every month, noting that the bill goes out every month for the right amount, but Mr. McKool sent in payment in the wrong amount; the amount he thought he was entitled to pay. Solicitor Barbin stated that needed to be dealt with, but his priority was digging the Township out of the problem with the sewer project first because PENNVEST was ready to cancel the loan since the Township was over time on it, noting that the Township did receive two thirty day extensions from them already. Mr. Mastillo asked if the Township could just reapply for this loan. Solicitor Barbin answered absolutely not; because everyone all over the State needed money; the Township would be in line again and would have to “eat” all the design fees and the sewer rates would be up to approximately \$63.00/month. Solicitor Barbin reiterated that the Township was in a horrible situation.

Mr. Mastillo stated that there was apparently several hundred thousand dollars literally “flushed down the toilet” and the Solicitor was saying it was caused by the past sewer manager, and he wanted to know what they could do as citizens; could this fall under the liability insurance since the sewer bills were going up so high because the money was mismanaged. Solicitor Barbin stated that Supervisors were allowed to make poor decisions, this was not a surcharge thing, noting that Supervisor was voted in by the residents of Conemaugh Township and he ran things how he wanted to run it and gave refunds for tap-in fees that never should have been refunded. He further stated that some really wrong things were done, which points to only one person. Solicitor Barbin stated that the Township should get over \$200,000.00 back from McKool and he felt that the Township could make a big enough threat to make him pay it relatively soon.

Mr. Mastillo stated that if the sewer bills went up to an average of \$75.00 to \$80.00 per month, they would not be reduced. Solicitor Barbin stated that in September he and Mr. Zuccolotto “came in here” and the first question was whether or not the Township was going too far with the

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sewer project that it was costing too much money. He said that when the numbers were reviewed, the answer was no, the Township needed those areas to help keep the cost as low as possible. Solicitor Barbin stated the second question was whether or not the Township could get out of the project; what would it cost, and the affect it would have if the entire project was cancelled. He said it was found that it would cost every user approximate \$10.00 more per month if the project was cancelled, and that did not make sense.

Mr. Mastillo stated that the sewage in Davidsville and Jerome was based upon a user fee that the residents were to pay for 20 or 30 years, and that old system was already half way paid off. He said that now because of the new sewer project and the mistakes made by the Supervisor, those sewer customers were actually being punished for being good customers.

Chairman Buncich stated he understood what Mr. Mastillo was saying, but it could no longer be said that the Jerome system was for Jerome, everyone was in this together. Mr. Mastillo stated if that was the case, he suggested the Supervisors use tax dollars to offset the difference in the sewer bills, as permitted by the Township Code. Chairman Buncich stated that this had already been discussed.

2. **Joseph Stevens** of Hollsopple stated he was trying to obtain information from the Township and was told what he was requesting was not here. He wanted to know who was in charge of the records. Chairman Buncich answered that the Supervisors were in charge, and that Ms. Walerysiak, as Secretary, kept the Township office records, and the girls in the Sewer Department kept those records. Mr. Stevens said he was told that certain information was not at the Township because it was being analyzed by The EADS Group. He wanted to know what right they had to take records out of the Township offices. Solicitor Barbin stated that the Township was permitted to give records to its Engineer. He asked Mr. Stevens if he had made a written request for the information. Mr. Stevens answered, yes. Solicitor Barbin stated that Ms. Yoder of the Sewer Department had called him a few times and perhaps this was what she wanted, but he had not called her back yet. He promised Mr. Stevens that the Township would get him the records he requested. Chairman Buncich noted to Mr. Stevens that the Township was working on prioritizing; the Township would get to him, but right now his personal problem did not take precedence.

3. **Sam Mazzaresse** – Not present.

### **CORRESPONDENCE:**

1. A letter was received from Laurel View Village stating that for the last 12 months their records indicated that water usage for their campus was reduced by approximately 1/3 and they expected that the Conemaugh Twp. Sewer Department had continued to charge the same number of minimums as prior to the fire. They were requesting that the Conemaugh Township Sewer Department evaluate what the difference in billing would occur if the Department allowed for 55 less minimums for the past 12 months, and to issue them a credit in that amount, such as CTMA has already done.

The Supervisors felt with the current situation of the sewer department, and the fact that anyone leaving their residence on vacation still had to pay the minimum sewer bill; Laurel View's request could not be approved.

## **MINUTES OF NOVEMBER 19, 2008 MEETING CONTINUED.**

There was a motion by Mr. Buncich, seconded by Mr. Kauffman, authorizing Solicitor Barbin to send a letter to Laurel View Village explaining why the Supervisors were not going to refund anything to them. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

2. Letter from Conemaugh Twp. Municipal Authority (CTMA) notifying the Supervisors of the results of the additional flow testing on the fire hydrant located at the intersection of Carpenters Park Road and Cambridge Drive (near the entrance to Laurel View Village. The purpose of the re-test was due to the Authority placing the Kaufman Water Storage Tank back on-line after scheduled maintenance.

3. A petition was received from four residences on Blough Road requesting that the Township pay to have cable TV installed in that area at a cost of \$7,400.00. Chairman Buncich stated that the Township received franchise fees from Atlantic Broadband which was General Fund money and these residents were asking for a special exception to have the Township pay for cable TV lines to be installed in their area. The Supervisors could not see spending that kind of money for the benefit of only four residences. It was further noted that if the Township agreed to this request, others would ask. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to deny the request for the Township to pay for the installation to cable TV lines on Blough Road. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

4. A letter was received on November 18, 2008 from the DL Development Group LLC requesting that the Township take ownership of the development on Hillcrest Avenue in Davidsville. Chairman Buncich stated that DL Development had constructed a road with cul-de-sac for this development and the Township had questions regarding the cul-de-sac and paving. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to authorize The EADS Group to perform a review of the road in the Hillcrest Avenue development and to give an opinion as to whether or not it was constructed according to specifications. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

5. A letter from Albert Zuccolotto resigning as Township Supervisor was received late today. Chairman Buncich stated he had spoken briefly to Mr. Zuccolotto after receiving the letter indicating that he would like him to reconsider his resignation due to the current state of affairs at the Township. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to table the resignation of Albert Zuccolotto as Township Supervisor and to ask him to reconsider. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

### **OLD BUSINESS:**

1. **CONEMAUGH TWP. YOUTH SOFTBALL LEAGUE REQUEST:** A letter was received last month from the Conemaugh Township Youth Softball League requesting a separate or dual lease of the Hollsopple Ball Field for girls' softball for the 2009 season. This request had been tabled for further review at that time. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to table this request until the recent happenings with the Youth Baseball & Softball Leagues were resolved and meetings with both organizations were held. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

**MINUTES OF NOVEMBER 19, 2008 MEETING CONTINUED.**

2. **CAMBRIA SOMERSET AUTHORITY REQUEST:** A letter was received last month from the Cambria Somerset Authority requesting No Parking along Quemahoning Dam Road; Special designation of the single lane bridge across Shank Run; and police patrols in the parking lot at the Quemahoning family park. This request had been tabled for further review at that time. Chairman Buncich stated that more information was needed concerning these requests. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to table the above requests from the Cambria Somerset Authority until a meeting was held with them to further discuss the matter. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

**NEW BUSINESS:**

1. **2009 PROPOSED BUDGET:** Motion to approve the proposed 2009 Budget for Conemaugh Township with no tax increases as follows: General Fund 01 - \$2,121,014.00; Street Light Fund 02 - \$28,955.00; Fire Protection Fund 03 - \$121,157.00; Sewer Fund 08 - \$1,267,359.00; and Liquid Fuels Fund 35 - \$425,031.00. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, adopt the above-listed proposed 2009 budget. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

2. **OPEN BIDS FOR POLICE CRUISERS:** The following bids were received and opened for the sale of a 2005 Dodge Durango fully equipped police cruiser, and two 2003 Ford Crown Victoria police cruisers, all to be sold as-is:

- 1) Bay Ridge Motors, Inc. of New York
  - One 2005 Dodge Durango cruiser - \$1,689.00
  - Two 2003 Crown Victoria cruisers - \$ 999.00 each
- 2) Grace Quality Used Cars, Inc. of Morrisville, PA
  - One 2005 Dodge Durango cruiser - \$1,526.00
  - Two 2003 Crown Victoria cruisers - \$ 446.00 each
- 3) Vehicle Outfitters of West Virginia
  - One 2005 Dodge Durango cruiser - \$4,002.00
  - Two 2003 Crown Victoria cruisers - \$ 502.13 each

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to award the high bid in the amount of \$999.00 each to Bay Ridge Motors, Inc. of Staten Island, NY for the sale of two 2003

Ford Crown Victoria police cruisers, and to reject all bids received for the fully equipped 2005 Dodge Durango police cruiser due to the bids received being too low. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

Chairman Buncich stated that information concerning these cruisers had been sent to several interested municipalities, noting that municipalities were permitted to sell to each other without advertising. He said nothing had been heard back yet from these municipalities since they were taking this to their meetings.

Terry Ruparcic of the Conemaugh Township EMS asked if the Township could sell without advertising to non-profit organizations. Solicitor Barbin answered that Section 1504 of the Township Code regarding Personal Property of the Township said that, yes, they could, and that the EMS should submit an offer for the Durango.

## MINUTES OF NOVEMBER 19, 2008 MEETING CONTINUED.

3. **ADVERTISE FOR BIDS FOR 2009 GASOLINE & DIESEL FUEL BIDS:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to authorize the advertisement for bids for the purchase of gasoline & diesel fuel for 2009 to be supplied by a dispensing station using a card system. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.
4. **RESOLUTION R06-08:** Chairman Buncich noted that this was an annual resolution and the police pension was over-funded at this point. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R06-08 eliminating member contributions into the Conemaugh Township Police Pension Fund for the year 2009. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.
5. **RESOLUTION R07-08:** Chairman Buncich stated that the Thomas Mennonite Church was installing a holding tank at their picnic grounds. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve Resolution R07-08 to adopt and submit to the Department of Environmental Protection for its approval a revision to the “Official Sewage Facilities Plan” of Conemaugh Township for the Sewage Facilities Planning Module of Thomas Mennonite Church. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.
6. **PLANNING COMMISSION SEMINAR:** Chairman Buncich noted that two Planning Commission members would be attending. There was a motion by Mr. Kaufman, seconded by Mr. Buncich, to ratify sending Conemaugh Twp. Planning Commission members to a seminar on Subdivision & Land Development Ordinances, being held November 19, 2008 in Westmoreland County at a cost of \$25.00 per person. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.
7. **OPEN RECORDS LAW TRAINING:** Chairman Buncich stated this training would be specific to law enforcement. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to authorize Chief Louis Barclay to attend training on the New Open Records Law on Monday, December 8, 2008 in the Harrisburg area at a cost of \$20.00 for the class, plus the cost for Sunday night’s stay at a hotel. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.
8. **COSTARS SEMINAR:** Chairman Buncich stated that municipalities were permitted to purchase items “piggyback” off the State Contract (COSTARS), and the Township did purchase its salt through COSTARS with significant savings. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to send Steve Buncich to a seminar on making local procurement more efficient & effective by using the State’s COSTARS Program to be held on November 25, 2008 in Blair County at a cost of \$25.00. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.
9. **NAMING OF STREET:** Chairman Buncich stated that names were submitted by the Bloomfield developer which were given to 911 Addressing in Somerset who approved the name of “Anna Way”. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the name of “Anna Way” for the newly developed section of Beverly Way in the Bloomfield Development. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

## MINUTES OF NOVEMBER 19, 2008 MEETING CONTINUED.

10. **RESOLUTION R08-08:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R08-08 authorizing Township Officials to execute the necessary documents and Electronic Access License Agreement with PennDOT to use the dotGrants system to file the required Liquid Fuels forms online annually. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

11. **DOTGRANTS SEMINAR:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to send Cindy Walerysiak to a free training seminar on December 9, 2008 in Somerset on the use of the dotGrants system regarding the submission of required PennDOT and DCED forms. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

12. **UPPER YODER TOWNSHIP SNOW REMOVAL AGREEMENT:** Chairman Buncich noted that the Township signs this Agreement every year with Upper Yoder for snow removal of the lower portion Coon Ridge Road since Upper Yoder was already on that road plowing. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve a snow removal agreement for the winter season of 2008-2009 with Upper Yoder Township for removal of snow on Coon Ridge Road within Conemaugh Township for a cost of \$1,500.00. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

13. **ADVERTISE APPOINTMENT OF CERTIFIED PUBLIC ACCOUNTING FIRM FOR 2008 AUDIT:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to authorize advertising the intention of the Supervisors to appoint a certified public accountant or firm for the Township's 2008 audit at the reorganization meeting on January 5, 2009. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

14. **ADVERTISE FOR SEWER PLANT OPERATOR:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to authorize advertising for a Sewer Plant Operator for the Conemaugh Township Sewer Department. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

15. **PROPOSED ZONING MAP CHANGE:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to forward to the Conemaugh Township Planning Commission for their review and comment a proposed amendment to the Conemaugh Township Zoning Map to expand the existing Light Industrial Zone (IL) on the North and South sides of an area along Penn Avenue (SR 601). Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

16. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on November 5, 2008. There was a motion Mr. Buncich, seconded by Mr. Kauffman, to approve the subdivision plan of Marlin R. Mishler, owner and applicant, to subdivide 1.48 acre (Parcel A) from an existing 12.98 acre tract (Parcel 2) owned by Marlin R. Mishler and combine that with an existing 1.25 acre (Parcel 1) property which is also owned by Mr. Mishler; the residue tract (Parcel 2) will retain 11.50 acre, and the new Parcel 1 will contain 2.73 acre. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

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17. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on November 5, 2008. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the subdivision plan of Commonwealth Property Development, LP, owner and applicant, to subdivide the current Commonwealth property with one new lot being divided from the existing 24.8642 acres, and the residue parcel containing 22.0042 acres; the proposed new Parcel No. 4 is to contain 2.86 acres. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

18. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on November 5, 2008. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the subdivision plan of Catherin Jane Spory et al, owner and applicant, to subdivide the current Holsopple property located along Miller Picking Road (S.R. 4039), with one new lot being divided from the existing 69.49 acres; the residue parcel containing 68.49 acres and the proposed new Lot No. 1 containing 1.0 acre, each having frontage on Miller Picking Road; contingent upon the sign-off by the Township's Sewage Enforcement Officer on the non-building waiver for sewage planning for the residue property. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

19. **LAND DEVELOPMENT:** This land development plan was approved by the Conemaugh Township Planning Commission on November 5, 2008, contingent upon the comments in the letters from the EADS Group and Mark Walker being satisfied. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the site development plan of Cocca Development, LTD, owner, and Cocca Development / Dollar General, applicant, to develop a new Dollar General store located along Penn Avenue (S.R. 0601 near the intersection of Penn Avenue and S.R. 0219) with the new facility consisting of approximately 9100 SF of retail store and associated parking facilities, contingent upon the comments in the letters from the EADS Group and Mark Walker being satisfied. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

### **PHASE II BENSCREEK SANITARY SEWER PROJECT**

1. Josh Kalp of The EADS Group reported that all the Highway Occupancy permits had not been obtained yet. The contractor had to obtain Highway Restoration and Maintenance Bonds and the Township had to pass a resolution giving the Chairman authority to execute those bonds. He further stated that regarding the Minority and Women Business Enterprise solicitation efforts, all contractors had been approved by DEP so this was no longer a hold up on the Project.

2. **RESOLUTION R09-08:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R09-08 authorizing the Chairman of the Board of Supervisors to sign the Highway Restoration and Maintenance Bonds required for the Phase II Benscreek Sanitary Sewer. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

3. **RESOLUTION R10-08:** There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to adopt Resolution R10-08 declaring the official intent of the Conemaugh Township Supervisors to use Short Term Borrowed funds up to the maximum principal amount of \$4,000,000.00 to finance, on an interim basis, the costs of the Benscreek Sanitary Sewer Project, which funds would be reimbursed to the Township upon receipt of the PENNVEST loan for this

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Project, and to approve the proposal of First Commonwealth Bank. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

**ITEMS FOR DISCUSSION:**

None.

**At this point, Chairman Buncich asked if there was anyone else who would like to speak:**

**Ernest Spory** of Ham Road thanked the Supervisors for patching the hole on his road.

**ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, December 17, 2008 at 7:00 p.m.

**ADJOURNMENT:**

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

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer