

## MINUTES OF REGULAR MEETING OF DECEMBER 17, 2008

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on December 17, 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.

Chairman Buncich announced that Albert Zuccolotto was not present tonight due to problems with his eyes which may involve surgery.

Pledge to the Flag.

### FLOOR OPENED TO PUBLIC COMMENT:

**Jack Weakland** of 107 Pender Road stated that vehicles were speeding through the School Zone on Route 403 in front of the elementary school resulting in two school bus accidents this year in the same place. He was requesting more police patrol in that area. The Supervisors will talk to the Chief of Police regarding this matter.

**Joe Marisa, Jr.** of 369 Stone Hollow Road said he heard that the police were told to use up all their comp time and any open shifts would be covered by the State Police. Chairman Buncich stated the police department was currently having some internal problems, but the Supervisors were looking into hiring another fulltime officer. He noted that overtime and vacation hours were starting to accumulate creating open shifts. Mr. Marisa stated the Township should hire part time police officers. Chairman Buncich stated the Supervisors were looking in to this matter. Mr. Marisa was against paying Mr. Zuccolotto, noting that he resigned and the Supervisors “begged” him to stay.

**Lou Huber** of Soap Hollow Road asked if the Supervisors could talk to PennDOT about the water running across Soap Hollow Road making the road icy. Mr. Kauffman stated he had called PennDOT on this during the summer, but had no response. He would call them again.

**Joyce Graham** of Hollsopple stated that when Mr. Zuccolotto was appointed to the Board of Supervisors he laid off all the part time police officers. She did not feel he should be paid, he was voted out last time. Ms. Graham said during the holidays more officers were needed. She stated that interviews were done to hire another officer, but nothing became of that.

Chairman Buncich stated that when the vacancy on the Board occurred this year the Supervisors advertised to fill that vacancy, and of all the applicants that applied Mr. Zuccolotto was the most qualified. He said the Township needed help in the Sewer Department, noting that hiring a manager for that Department would cost in excess of \$70,000.00. Chairman Buncich further stated that the Police Contract and Teamsters Union Contract were both up for renewal and assistance was needed with those negotiations. He said it would help to have Mr. Zuccolotto work on an interim basis to assist with getting the Sewer Project started and to see if a manager was needed for the Sewer Department.

**Joe Marisa, Jr.** felt that crime was up and more police protection was needed. He stated that if the Supervisors were going to “hire” Mr. Zuccolotto, they should take it out of their pays.

## **MINUTES OF DECEMBER 17, 2008 MEETING CONTINUED.**

**Jerry Bellak** of 3034 Carpenters Park Road felt it would be in the best interest of the residents if the Supervisors did not take police off the streets. He said he ran in the past two elections for the position of Supervisor and he would run again. Mr. Bellak did not want to pay more for a man in the Sewer Department; he wanted more part time police hired. Chairman Buncich stated the Supervisors had that discussion and were moving forward to rectify the problem in the Police Department.

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

The Township met with DEP in Pittsburgh on December 15, 2008 concerning violation at the Jerome Sewage Treatment Plant from 2004 through 2007. Chairman Buncich stated that during the period of 2004 to 2006 the Sewer Department failed to renew the permit for this plant which could result in a fine in excess of \$20,000.00. He said this was why help was needed in the Sewer Department, indicating that the permit was not applied for on time and the plant operated for over a year without a permit. It was asked who was in charge of the Sewer Department at that time. Chairman Buncich answered that one of the Supervisors was in charge of the Sewer Department at that time, but the public in attendance wanted a name. Chairman Buncich stated it was probably Supervisor David Hart.

A resident in attendance stated that this problem started a long time ago, it did not just start now, and everyone needed to give the Supervisors a chance to work out these problems and quit “knocking them down”.

Chairman Buncich stated that the Supervisors had to give an answer on Monday regarding negotiating a settlement with DEP in this matter.

### **MINUTES:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the minutes of the regular meeting of November 19, 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 December 2008 in the amount of \$45,598.12 for the General Fund, \$43,819.99 for the Liquid Fuels Fund, and \$53,898.08 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 November 2008 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 154. 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:**

None.

## MINUTES OF DECEMBER 17, 2008 MEETING CONTINUED.

### CORRESPONDENCE:

1. A letter was received from Benson Borough requesting a written quote from Conemaugh Township for full time and part time police service for 2009. Chairman Buncich noted that they had cancelled their past Agreement with the Township to provide police protection to them. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to send a letter to Benson Borough stating that the Supervisors were not able to give a quote to them at this time for police services for 2009 due to the current issues in the Police Department. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent
2. A letter was received from Albert Zuccolotto withdrawing his resignation letter dated November 19, 2008.

### OLD BUSINESS:

1. **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 was tabled for further review. Chairman Buncich stated that he and Mr. Kauffman met with the Cambria Somerset Authority. The sign for the bridge was installed. The Authority will submit a letter to the Township designating the spots for the No Parking signs; they will supply the signs and the Township will assist with the installation of those signs.
2. **DL DEVELOPMENT GROUP REQUEST:** A letter was received on November 18, 2008 from the DL Development Group LLC requesting that the Township take ownership of a portion of Hillcrest Avenue within the DL Development in Davidsville. The Supervisors authorized The EADS Group at the November 19, 2008 meeting to perform a review of that portion Hillcrest Avenue within the Development and to give an opinion as to whether or not it was constructed according to specifications.

Chairman Buncich stated that the approximate cost given by EADS to complete test borings of this roadway would be approximately \$2,500.00. He felt the developer should be responsible for this cost. Chairman Buncich further noted that in order for the Township to receive State Liquid Fuels funding for any roadway, the road must meet the criteria set by PennDOT and be submitted to PennDOT no later than September 30<sup>th</sup> of each year. This roadway would not qualify for funding until next year. There was a motion by Mr. Buncich seconded by Mr. Kauffman, to inform DL Development of the information received from EADS and see if they would be willing to pay for the \$2,500.00 study. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

3. **AMENDMENT TO ZONING MAP:** The Conemaugh Township Planning Commission approved this proposed amendment to the Township's Zoning Map at their meeting of December 3, 2008 with no comments. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to authorize Solicitor Barbin to advertise the amendment to the Conemaugh Township Zoning Map which would 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.

## MINUTES OF DECEMBER 17, 2008 MEETING CONTINUED.

### NEW BUSINESS:

1. **2009 FINAL BUDGET:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt the final 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. It was noted that the Fire Protection Fund was permitted to be used for fire hydrants only. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

2. **OPEN & ACCEPT BID(S) FOR GASOLINE & DIESEL FUEL:** Chairman Buncich opened the only bid received, which was from The Lockard Company (Pacific Pride) of Indiana, PA. The bid for regular unleaded gasoline used the OPIS Altoona Average as of 12/12/08 at 1.02700, plus a firm add-on cost of .14 with the net bid being 1.167 per gallon. The bid for diesel fuel used the OPIS Altoona Average as of 12/12/08 at 1.48611, with the addition of .035/gallon from November 15 to March 15 for winterization, plus a firm add-on cost of .14 with the net bid being 1.62611 per gallon. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the bid for the purchase of regular unleaded gasoline and diesel fuel as stated above from The Lockard Company for the year 2009 using a two-card purchasing system, contingent upon researching the State Contract for a better price. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

At this point, Terry Ruparcic of the Conemaugh Township EMS wanted to know if the EMS could tag on to this contract. Mr. Buncich asked him to put his request in writing to the Supervisors.

3. **ASSISTANT SECRETARY PAY:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to appoint Albert Zuccolotto, as Assistant Secretary, to perform various administrative functions for the Township at an hourly rate to be set by the Conemaugh Township Board of Auditors; tasks to include but not limited to assisting with the Sewer Department during the Phase II construction project and assisting in contract negotiations with the Teamsters Union and the Conemaugh Township Police Department. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

4. **DETERMINATION LETTER REQUEST FOR TOWNSHIP PENSION PLANS:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to authorize Solicitor Barbin, Steve Feaster, and Duda Actuarial to assist in the preparation of a Determination Letter request to the Internal Revenue Service to ensure that the Township's Pension Plans are in compliance with the Internal Revenue Code. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

5. **2009 CDBG ENTITLEMENT APPLICATION COOPERATION AGREEMENT:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to authorize signing the Cooperation Agreement between the County of Somerset, Conemaugh Township Supervisors, and the Redevelopment Authority of Somerset County for the Township's 2009 CDBG Entitlement. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

## **MINUTES OF DECEMBER 17, 2008 MEETING CONTINUED.**

6. **ORDINANCE NO. 668:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Ordinance No. 668 to provide for the filing of municipal liens for unpaid taxes, assessments, and claims, and further authorizing the imposition of penalties, recovery of costs, assessment of interest and attorneys' fees in connection with the collection of delinquent accounts. (This Ordinance supersedes Ordinance No. 665 adopted September 4, 2007.) Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

7. **RESOLUTION R13-08:** Chairman Buncich stated this pertained to a new state law that all municipalities must follow for record requests. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R13-08 approving a revised Open Records Policy effective January 1, 2009 in accordance with the new Right-to-Know Law Act 3 of 2008. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

8. **PINECREST ESTATES SEWER BILL:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to correct the erroneous sewer bill for Pinecrest Estates by changing the monthly bill from a flat fee of \$5,457.70 to a bill as provided for in the current rules of a minimum charge per connected EDU in the amount of \$32.00 per month plus consumption charges of 1000 gallons according to the current rules (\$0.80 per hundred gallons) for each EDU, effective January 1, 2009. It was noted that the new total would be \$9,856.00. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

9. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on December 3, 2008, contingent upon resolution of the Sewage Facilities Planning/Exemption per PA DEP. There was a motion by Kauffman, seconded by Mr. Buncich, to approve the subdivision plan of Walter L. & Jeanne M. Fleck, owner and applicant, to subdivide the current Fleck property located along Saylor School Road with one new lot being divided from the existing 7.219 acres; the new Lot 1 containing 1.045 acre and the residue parcel retaining 6.174 acres, contingent upon resolution of the Sewage Facilities Planning/Exemption per PA DEP. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

10. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on December 3, 2008, contingent upon the acceptance of the Sewage Facilities Planning Exemption, and favorable response from the Somerset County Planning Commission. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the subdivision plan of Donna Keim, owner and applicant, to subdivide the current Keim property located along Keim Street near Jerome with one new lot being divided from the existing 4.01 acres; the new Lot 2 containing 1.99 acre and the residue parcel, Lot 1, retaining 2.02 acre, contingent upon the acceptance of the Sewage Facilities Planning Exemption, and favorable response from the Somerset County Planning Commission. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

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

1. **ENGINEER UPDATE:** Josh Kalp of The EADS Group reported that all permits had been obtained for the project. He noted that one additional resolution was needed for a

## MINUTES OF DECEMBER 17, 2008 MEETING CONTINUED.

PennDOT permit to allow storing of materials on PennDOT right-of-way during construction, which would be approved later on in the Agenda. Mr. Kalp stated a pre-construction meeting was held this morning, and Notices to Proceed have been issued. He stated that the Contractor was released to work in certain work areas where rights-of-way had been obtained.

2. **ORDINANCE NO. 669:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Ordinance No. 669 to incur self liquidating debt in the maximum principal amount of \$4,000,000.00 with First Commonwealth Bank to provide interim financing of the Benscreek Sanitary Sewer Project prior to drawdown of funds from an approved PENNVEST loan. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

3. **RESOLUTION R11-08:** Solicitor Barbin explained that the tap fee up until August 31, 2009 would be \$1,750.00. (There was a \$4,000.00 land acquisition fee attached to the tap fee.) After August 31, 2009 the tap fee would be \$2,000.00. Solicitor Barbin noted that people who provide an easement to the Township would receive a \$4,000.00 credit for their easement. People who do not provide easements to the Township would not receive the \$4,000.00 credit; so basically, the Township was paying everyone \$4,000.00 for their easement as a \$4,000.00 credit against their tap fee of \$6,000.00, if it was paid after August 31, 2009. Solicitor Barbin stated the bottom line was: For easements signed and payments made before August 31, 2009 the tap fee would be \$1,750.00; if an easement was signed, but payment was made after August 31, 2009, the tap fee would be \$2,000.00. If no easement was signed and no payment was made by August 31, 2009, a \$6,000.00 lien would be placed on the property.

Mr. Holbay asked if the same thing was done with the sewer projects in Davidsville, Tire Hill, and Jerome. Solicitor Barbin answered, no. Mr. Holbay did not agree with this.

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R11-08 establishing a tap fee schedule for the Benscreek Sanitary Sewer Project. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

4. **RESOLUTION R12-08:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R12-08 establishing initial sewer rates for the Benscreek Sanitary Sewer Project and providing procedures for changing rates to guarantee payment of costs and indebtedness. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

5. **RESOLUTION R14-08:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R14-08 authorizing condemnation of land for the Benscreek/Ideal Sanitary Sewer Project. It was noted that there were fifteen properties on the condemnation list at this time. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

6. **PAYMENT OF FEES & EASEMENTS:** Chairman Buncich stated that the Township was purchasing land from Dunlo Realty to install a pump station. Solicitor Barbin explained that the Berwind property was bottom land located along Benscreek, which could not support development, and they were demanding \$2.00 per foot for an easement. He stated it would take years to fight them and the Township would lose more money, therefore he was recommending that this be approved. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to pay Dunlo Realty, Inc. the amount of \$20,000.00 for a pump station site, in fee and easements, and to

## **MINUTES OF DECEMBER 17, 2008 MEETING CONTINUED.**

pay Berwind Corporation and the Wilmore Coal Company collectively the amount of \$14,180.00 for an easement. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – absent. Motion carried, one absent.

7. **RESOLUTION R15-08:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt Resolution R15-08 authorizing Township Officials to execute PennDOT Form M-945U, Permittee's Acknowledgement of Additional Highway Restoration Obligation for the Benscreek Sanitary Sewer Project. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – 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:**

**Joe Marisa, Jr.** stated that for the past eight months he had been asking the Supervisors to enact the \$52.00 "Emergency" tax and he wanted to know if they had thought about it. Chairman Buncich answered that they had and asked Ms. Walerysiak to verify. Ms. Walerysiak stated that the Local Services Tax had been researched and the Supervisors would be considering it during the months of January through June of 2009. She noted that the Township would not be able to collect the full \$52.00 per person since the Conemaugh Township School District already collected \$10.00 per person. If the Supervisors enacted the LST, the School District would drop to \$5.00 per person and the Township would collect \$47.00 per person.

Mr. Marisa stated that when Laurel View Village burned, the Supervisors were approached to put together a committee to look into consolidating the fire companies. Chairman Buncich said there was no committee yet, but he had discussion on this and spoke to someone today about it. He stated that this was minor compared to what was going on daily in the Township, but it was on his list – there were a lot of fights to get through before another one was started. Chairman Buncich stated that this was not a problem just in this Township; other municipalities had the same problem. He noted that he would be attending a meeting in February in Sipesville concerning this type of issue. The meeting was for fire companies, managers, supervisors, etc. Chairman Buncich stated there was a fee to attend and he was not sure at this time if the Township would be willing to pay for others to attend—that would have to be decided.

### **ANNOUNCEMENTS:**

1. The reorganization meeting of the Township Supervisors will be held on Monday, January 5, 2009 at 7:00 p.m.
2. The Township Auditors will reorganize on Tues., Jan. 6, 2009 at 9:00 a.m.
3. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, January 21, 2009 at 7:00 p.m.

### **ADJOURNMENT:**

There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to adjourn the meeting at 7:43 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer