

## MINUTES OF REGULAR MEETING OF JANUARY 21, 2009

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

**John Mastillo** of Jerome wanted to discuss Item 3 under Correspondence where the Conemaugh Township Municipal Authority was requesting a letter from the Supervisors supporting their application for grant money for water system improvements. He cautioned the Supervisors that the Blough Water Project could put the residents of Conemaugh Township on the “hook” for liability depending on if the water was metered and billed or if it was sold by bulk, noting that the majority of that water was going to be purchased from Johnstown.

Pat Mulcahy of the CTMA asked Mr. Mastillo to attend the water authority’s meeting on Monday to find out more about this matter.

**Terry Ruparcic** of Tire Hill wanted to discuss the lack of police protection in the Township over the past few weeks, stating that at a meeting of the Supervisors a couple of months ago the residents were told there would be full-time coverage for the Township. He said that there were eight shifts that were not covered by Township police since January 3, 2009, and that the shortest shift was six hours and the longest shift was approximately sixteen hours. Mr. Ruparcic wanted to know if the Supervisors were going to do something about this.

Chairman Buncich explained that at the present time the Township had three lawsuits pending, and two union contracts to negotiate all of which the Supervisors do not know the outcome, and this did not include the pending fine from DEP regarding sewage. He stated that the Supervisors needed to find out about these items prior to hiring any more police officers.

Mr. Zuccolotto stated that shift coverage problems occurred due to comp time owed and vacation time scheduling at the end of the year – three officers were scheduled off at the same time, including someone attending training. He noted that during one week end the State Police were needed. Mr. Zuccolotto further stated that starting February 2009 there would not be a scheduling problem and the Township would have full-time police coverage—there were enough police officers and the schedule would be met. He said there would be more than one cruiser on the weekends. Mr. Zuccolotto noted that the Supervisors did not want to raise taxes. He stated there were a lot of municipalities that use the State Police and that the Supervisors would be watching the situation closely. Mr. Ruparcic did not agree with using the State Police at all due to the length of response time.

Mr. Zuccolotto stated that the police budget was very high. Mr. Ruparcic said that part-time police officers did not cost as much as full-timers, they received no benefits, plus there were excess uniforms due to there being less officers now. Mr. Zuccolotto said that basically the Township would need to hire three part-time officers to cover one, noting that the Supervisors were not ruling the hiring of part-timers out, they would be keeping an eye on the situation. He further stated that with part-time police officers the Township had to cover the costs of training,

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uniforms, etc. and then they tend to leave. Solicitor Barbin stated that a big transition was made in the police department with many officers working to cover the contracts and everything had been working fine, but it would take awhile to sort this out. He further stated that no one was making complaints about the management of the police department. Mr. Zuccolotto noted that when there were ten part-time officers and seven full-time officers, the police department was still asking for another officer.

**Joe Marisa, Jr.** of Davidsville said that with the current coverage the police cannot do detective work and cannot get out of the office. He felt it would not hurt to have a couple of part-time officers. Mr. Zuccolotto stated that the Supervisors would work this out, but they did not want to rush into anything.

Chief Barclay stated that the Police Department got rid of the part-time police that were hired with the police agreements, indicating that the issue started in June 2008 because all of a sudden he had all the vacation time thrown at him at once. He said he put in a lot of hours to cover shifts and also came to work sick.

Mr. Zuccolotto stated that the Township had to realize that things were getting bad. He said the Supervisors were paying off the comp time and vacation time would be scheduled properly, and would figure out whether or not to hire part-time officers or full-time. Mr. Zuccolotto noted that the Supervisors had a reason for doing what they were doing and at this point it was a personnel issue which would be discussed further with the Chief.

**Rich Maldet** of Fernwood Drive stated that the number one priority in the Township was to take care of the roads.

**Joe Stevens** of Stevens Lane stated he had observed many minutes of past meetings where questions had been asked but never were answered. Chairman Buncich asked which particular questions Mr. Stevens wanted answered. Mr. Stevens wanted to know how many people received refunds for the sewer project and were they going to be re-billed; and he wanted to know when the \$400,000.00 paid out by the Sewer Department to EADS in advance for the sewer project was approved and was it legal. He wanted to know if something was going to be done about the above. Mr. Stevens also questioned the statement that the Solicitor had made saying that it was okay for Supervisors to make bad decisions.

Solicitor Barbin stated it was the Supervisors' job to deal with the problems of the Township, it took resources and time to move forward, and if bad decisions were made, the Township was stuck with it. He said it was not his job to prosecute crimes. Mr. Stevens asked if the Supervisors could review the matter to find any wrong doing. Solicitor Barbin stated it was not their job either, and this did not get the Township moving forward. Mr. Stevens was concerned that it was the decision of one Supervisor to pay the \$400,000.00. Solicitor Barbin stated that was a payment on the sewer project, noting that a municipality always spends money up front to get a project started. He said the payment of these funds was approved every time the Supervisors approved the bill lists at their meetings. Mr. Stevens still felt the Township should look into this.

## **MINUTES OF JANUARY 21, 2009 MEETING CONTINUED.**

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

Chairman Buncich noted that the Supervisors held an executive session on January 14, 2009 at the Township Building for the purpose of discussing the 2010 tax collector compensation and the police contract.

### **MINUTES:**

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of December 17, 2008 and the reorganization meeting of January 5, 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to pay the bills for the month of January 2009 in the amount of \$84,522.34 for the General Fund, \$27,747.26 for the Liquid Fuels Fund, and \$109,333.18 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 December 2008 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 178. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the police report as submitted for the month of December 2008. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

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

**Kathi Howrylak & Jeff Marshall** of Fortune Lane stated that on December 13, 2008 their house burned to the ground and they were concerned and threatened due to the lack of fire protection, indicating that there were no fire hydrants in their area. Mr. Marshall stated that the Fire Chief refused to use their pond located 120 feet from their residence and it took two hours to get water to the fire. He also noted some fire departments did not show up.

They were asking the Supervisors for more fire hydrants strategically placed, and to merge the fire departments into one well-trained organized department. They also wanted the Ideal Fire Chief removed. Ms. Howrylak felt what was done the night of the fire was criminal, noting that she and Mr. Marshall were both past fire fighters and knew what should have been done and what should not have been done – no common sense was used. She was very concerned that a search had not been made of her house to see if anyone was inside. Ms. Howrylak was particularly upset because her pets died in the fire.

Solicitor Barbin stated that it was not appropriate for the Township to become involved with fire department matters and the Township had no authority to remove the fire chief. Ms. Howrylak said the Supervisors could work on merging the departments. Solicitor Barbin reiterated that the Township would not weed out fire department members, nor would they regulate or police the departments, but they could certainly ask for a merge.

Mr. Zuccolotto said a survey had been done in the past regarding the merging of the fire departments and the cost was approximately \$60,000.00. He stated that the fire departments had to all agree to merge, noting that the Conemaugh Township and Jerome Fire Departments agreed

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to merge, but Ideal and Hollsopple departments said no, therefore the merge could not go through. Mr. Zuccolotto stated that anyone would be kidding themselves if they did not think consolidation was coming. A resident in the audience said to consider regionalization for the police department also. Mr. Zuccolotto said he agreed with that if it was done right.

Chief Barclay wished to make a few comments about the fire, indicating that he had been the first one on the scene and it was first called in as a burglar alarm. He stated that the house was full of smoke when he arrived and it was coming out of the eaves. Chief Barclay said he could not get in the doors and he was not a trained fire fighter. He said later he was told it was a good thing he could not open the doors.

**Joyce Graham** of Hollsopple stated that Mr. Buncich had promised to get together an advisory board for the fire companies and now it was 13 months later with nothing done on that yet. Chairman Buncich said that when he had said he was going to do this he had not realized he would be working so long on problems from the past. Ms. Graham felt this should be done soon.

**Brian Shoff** of Ideal asked if Mr. Buncich was still planning on attending a meeting on fire companies in Sipesville. Chairman Buncich stated local officials were still working on getting together on this matter.

Mr. Kauffman wanted to state to Ms. Howrylak that he had talked to the Johnstown Water Authority about discussing fire hydrants in her area.

**Rich Maldet** stated that the plan discussed in the past about laying lines from ponds to fight any future fire at Laurel View Village would not work. The firemen in the audience disagreed strongly with this statement, and Chairman Buncich stated the meeting had to move on at this point.

### **CORRESPONDENCE:**

1. A letter was received from the Department of Emergency Services requesting that by March 1, 2009 the Supervisors submit Fire Alarm Assignments for the Township. Chairman Buncich stated that the Supervisors had received a letter from the Fire Chief of Jerome Fire Company requesting a meeting on this, but nothing from the other fire companies yet.

2. A letter was received from the Conemaugh Township E.M.S. requesting to be included in the fuel purchasing/dispensing used by the Township. Chairman Buncich stated that the Township purchases gasoline and diesel fuel at a Pacific Pride pumping station located by Tri-County Motors in Ferndale through a bidding process, and does not pay road tax. He suggested that the EMS contact this company to see if they could purchase fuel through them also. Mr. Ruparcic of the EMS asked why the Township did not use the pumps located at the municipal building any longer. He was answered that those pumps did not work well, especially in the cold weather, and no one would bid anymore on delivery of fuel to these tanks.

3. Correspondence was received from the Conemaugh Township Municipal Authority requesting a letter from the Supervisors supporting their efforts to pursue grant funding for proposed water system improvement. Pat Mulcahy of the CTMA stated they were pursuing H2O Grant funding for improvements of several areas of the CTMA water infrastructure system, which would impact flows in the Township. He further stated that there were approximately 1.7

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million dollars worth of projects in Conemaugh Township, not including the Blough to Quemahoning Project.

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to send a letter supporting the CTMA's efforts to secure grant funding for improvements to the water system. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. A letter was received signed by various patrons of the Conemaugh Township Library located in the Hollsopple Senior Center thanking the Supervisors for the Township's support of this Library.

5. A letter was received from the Somerset County Library stating that they would be meeting next week to discuss the status of the Conemaugh Township branch library. They were requesting that the Supervisors let them know what funding could be anticipated from the Township for 2009. Chairman Buncich stated that this needed to be discussed further.

### **OLD BUSINESS:**

1. **DL DEVELOPMENT GROUP REQUEST:** A letter was sent to the DL Development Group asking if they would be willing to cover the cost of \$2,500.00 for The EADS Group to perform a review of a portion of Hillcrest Avenue within the Development which they were requesting the Township take ownership of. Chairman Buncich stated that the Supervisors had a further discussion with the Developers concerning this matter and they said they were reluctant to pay. He said he had contacted Municipal Services who had stated they did not get involved in these matters, but did provide a copy of the State's publication on road regulations, indicating that the State did not inspect Township roads. Chairman Buncich stated the Supervisors would be talking to the Developers again.

2. **AMENDMENT TO ZONING MAP - ORDINANCE NO. 670:** A Public Hearing was held before the Conemaugh Township Planning Commission on January 7, 2009 to receive comment regarding the proposed amendment to the Conemaugh Township Zoning Map. The Planning Commission approved this proposed amendment. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Ordinance No. 670 amending the Township Zoning Map to change a portion of land in the Woodstown Area to IL – Light Industrial from the current RR-Rural Residential/R2-Multi-Family Residential Districts. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

### **NEW BUSINESS:**

1. **OPEN BIDS RECEIVED FOR 2005 DODGE DURANGO POLICE CRUISER:** Chairman Buncich stated no bids were received. He said this was the third time the vehicle had been advertised for bids and therefore the Supervisors could now sell it outright provided the price was acceptable. Chairman Buncich further noted that a municipality may be interested in purchasing it.

2. **RETIRED STATUS REQUEST:** Solicitor Barbin stated that if the Supervisors approved Mr. Richards' request, he would receive a badge indicating the retired status and he would keep his gun. Mr. Zuccolotto was first opposed to Mr. Richards keeping his gun, but Solicitor Barbin said it was the law in this matter. There was a motion by Mr. Kauffman,

## **MINUTES OF JANUARY 21, 2009 MEETING CONTINUED.**

seconded by Mr. Zuccolotto, to accept the request of William Richards, dated December 30, 2008, to be placed on police retired status under which he would receive no financial benefits nor would the Township accept any liability for him. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – absent. Motion carried, one absent.

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

1. **ENGINEER UPDATE:** Josh Kalp of The EADS Group reported that the contracts for the Dewatering Building were not yet started and may begin sometime in March. Ligonier Construction has installed approximately 1,300 LF of sanitary sewer lines in Area A, and had begun clearing and boring in Area C. Job Conference No. 1 was held on January 14, 2009 and the next Job Conference was scheduled for February 11, 2009. Mr. Kalp also stated that The EADS group was authorized by the Supervisors to submit an H2O Grant application for which this project was eligible.

2. **AREA A CHANGE ORDER NO. 1:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept Change Order No. 1 for Benscreek Sewers Area A in the amount of -\$19,108.13, which is a *credit* to the Township for the use of inside drop connections to manholes in lieu of outside drop connections specified. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **AREA B CHANGE ORDER NO. 1:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept Change Order No. 1 for Benscreek Sewers Area B in the amount of -\$23,354.38, which is a *credit* to the Township for the use of inside drop connections to manholes in lieu of the outside drop connections specified. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **AREA C CHANGE ORDER NO. 1:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept Change order No. 1 for Benscreek Sewers Area C in the amount of -\$21,033.75, which is a *credit* to the Township for the use of inside drop connection to manholes in lieu of the outside drop connections specified. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **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 \$195,741.33 and to submit them to PENNVEST on Pay Request No. 1 for reimbursement:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$95,589.87	Construction - Contract 05-S-03
Ligonier Construction Co.	\$45,932.38	Construction - Contract 05-S-04
Ligonier Construction Co.	\$54,219.08	Construction - Contract 05-S-05

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

### **ITEMS FOR DISCUSSION:**

None.

## **MINUTES OF JANUARY 21, 2009 MEETING CONTINUED.**

### **ANNOUNCEMENTS:**

1. A Special Meeting will be held on Wednesday, January 28, 2009 at 10:00 a.m. to set compensation of the 2010 Tax Collector, and for other business as deemed necessary.
2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, February 18, 2009 at 7:00 p.m.

**At this point, Chairman Buncich asked if there was further public comment.**

**Brian Shoff** of Ideal asked if the Township would be notifying the residents concerning the deduction period and rates regarding the tap-in fees for the Benscreek Sanitary Sewer Project. Chairman Buncich answered that the Township would be publicizing this information at some point in the future.

**Joe Marisa, Jr.** stated he had heard that the Supervisors had given two additional paid Holidays off to Township employees and as a taxpayer he disagreed with this and wanted his money back. Chairman Buncich said this was done after checking with the Solicitor. Solicitor Barbin noted that it was permitted for the Supervisors to give time off to employees, noting that it did not cost the Township any additional money. Mr. Kauffman stated that the days given were Christmas Eve and the day after Christmas. He further stated that the road crew did have to come out to work anyway to plow the roads.

### **ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 8:06 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer