

MINUTES OF REGULAR MEETING OF FEBRUARY 19, 2003

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 6:00 p.m. on February 19, 2003 by Chairman Robert Rouser. Board members present were Robert Rouser, Chairman, Albert Zuccolotto, Secretary-Treasurer, and David Hart, Vice-Chairman. Solicitor William Barbin was also present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT ON AGENDA ITEMS:

None.

MINUTES:

The minutes of the reorganization meeting of January 6, 2003, regular meeting of January 6, 2003, and special meeting of January 15, 2003 were distributed. There was a motion by Mr. Zuccolotto seconded by Mr. Hart, to accept the minutes of the reorganization meeting of January 6, 2003, regular meeting of January 6, 2003, and special meeting of January 15, 2003. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to pay the bills for the month of February 2003 in the amount of \$18,606.85 for the General Fund, \$18,399.00 for the Liquid Fuels Fund, and \$10,314.43 for the Sewer Department. Roll call vote: Mr. Zuccolotto– yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

POLICE REPORT:

The police report submitted by Chief Louis Barclay for the month of January 2003 for Conemaugh Township and Benson Borough was read. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to accept the police reports for the month of January 2003 for the Township and Benson Borough. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

None.

CORRESPONDENCE:

A request was received from the Conemaugh Township Volunteer Fire Department to have the Township pay for Hepatitis B Surface Antibody Tests, Tetanus shots, and Recombivax HB for their volunteer firemen at a total cost of *approximately* \$1,015.00. Mr. Zuccolotto stated that he had talked with Representative Tom Yewcic who believed that there might be some funds available for this type of expense. Representative Yewcic will get back to Mr. Zuccolotto on this in the near future. Solicitor Barbin advised the Supervisors that they should approve this expense in case there are no funds available through Yewcic's office.

MINUTES OF FEBRUARY 19, 2003 MEETING CONTINUED.

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve payment for the Hepatitis B Surface Antibody Tests, Tetanus shots, and Recombivax HB for the volunteer firemen as requested by the Conemaugh Township Volunteer Fire Department in the event that Representative Yewcic could not receive funding for these shots and tests. Under Questions, Mr. Hart wanted to know how many people this involved. Mr. Zuccolotto indicated that the list is not complete at this time; the number could go up. Mr. Hart asked if this included the other fire companies. Mr. Zuccolotto answered that it did. Mr. Hart also asked if there should be a cap set for this expense. Mr. Zuccolotto then added to his motion to authorize the cost of \$1,015.00 for the above expense, and if the cost were more, the matter would be addressed again at a future meeting. Mr. Hart agreed to add this to the motion. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

OLD BUSINESS:

At this time, it was necessary to amend the engineering contract for the Whitewater Park Project. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve an amendment to the EADS Engineering contract for the Whitewater Park in the amount of \$2,500.00, from \$7,500.00, bringing the total contract up to \$10,000.00. Under Questions, Mr. Hart asked if EADS had the original work completed. Mr. Zuccolotto stated that, no, there was additional work added on to the Project and the \$7,500.00 will not cover the cost involved.

NEW BUSINESS:

1. **RESOLUTION R01-3:** Solicitor Barbin recommended that the Township acquire the Cookietown property by Eminent Domain, which would be cheaper than a tax sale that would cost the Township approximately \$2,500. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adopt Resolution R01-03 authorizing the acquisition by the Township of the property at the intersection of Tire Hill Road and Cookietown Road, Tax Map Parcel No. 12-043-003-000, Tax Reference No. 12-0006920, owned by the United States Department of Agriculture, by exercise of the Power of Eminent Domain; estimated Just Compensation set at \$1.00. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

2. **ORDINANCE NO. 648:** Mr. Zuccolotto stated that there is a new pension law that mandates that if a police officer is killed in service, the spouse would receive death benefits, and in order to cover this possible expense, the Township would need to purchase a life insurance policy from the police pension plan, naming the Plan as the beneficiary. Mr. Zuccolotto noted that the Township is obtaining quotes for this insurance at this time. The life insurance policy would be payable to the police pension fund since the spouse would receive pay for the rest of their life. There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adopt Ordinance No. 648 amending certain provisions of the police pension plan regarding reduction of participant contributions, disability retirement benefits, payment of disability benefits, survivor benefits, death in service benefit, death of participant prior to retirement, and vested benefits upon termination. Roll call vote: Mr. Zuccolotto – yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

3. **RESCIND MOTION FOR APPOINTMENT TO CTMA BOARD:** Mr. Zuccolotto stated that a motion was needed to rescind the appointment of John Mastillo to the CTMA Board because Mr. Mastillo never accepted this appointment due to the fact that he felt he was still a

MINUTES OF FEBRUARY 19, 2003 MEETING CONTINUED.

representative for Benson Borough. There was a motion by Mr. Zuccolotto, seconded by Mr. Rouser, to rescind the motion made by the Supervisors at the January 15, 2003 meeting appointing Mr. John Mastillo to fill the unexpired term of Mr. Edward Hart on the Conemaugh Township Municipal Authority Board. Under Questions, Mr. Hart stated that he did not understand why the Supervisors were doing this. He stated that the Supervisors appointed Mr. Mastillo to the CTMA Board at a special meeting on January 15, 2003, and now the Supervisors were taking him off. Mr. Zuccolotto explained that Mr. Mastillo did not accept the appointment. Solicitor Barbin explained that letters were exchanged with Benson Borough's Solicitor; and there was a meeting with Benson Borough Council last Tuesday where everyone agreed, including their Solicitor, that Mr. Mastillo was still an appointee of Benson Borough; and Mr. Mastillo cannot hold two positions at the same time. Roll call vote: Mr. Zuccolotto – yes, Mr. Rouser – yes, and Mr. Hart – abstained. Motion carried, two yes, one abstention. (Solicitor Barbin noted that there was nothing in the law that said that Mr. Hart could not abstain. If there would be a conflict of interest, that conflict must be declared.)

4. **APPOINTMENT TO CONE. TWP. MUNICIPAL AUTHORITY BOARD:** Mr. Zuccolotto stated that he had received a call from Sam Mazzaresse requesting to be appointed to the Conemaugh Township Municipal Authority Board. Mr. Zuccolotto indicated that he has known Mr. Mazzaresse for a while now. He felt that someone should be put on the CTMA Board who would quit playing politics and quit the bickering, therefore, he believed that Mr. Mazzaresse would be a good person for that Board. There was a motion by Mr. Zuccolotto, seconded by Mr. Rouser, to appoint Mr. Samuel Mazzaresse to fill the unexpired term of Mr. Edward Hart on the Conemaugh Township Municipal Authority Board; term to expire January 2, 2006. Under Questions, Mr. Hart stated that Mr. Mazzaresse was an elected auditor of the Township. Solicitor Barbin stated that Section 404B of the Township Code says that an auditor may not hold any other *Township* appointed or elected office. He explained that the CTMA position is not a *Township* office. Mr. Barbin also noted that there was a Supreme Court ruling within the last 10 years stating that a municipal authority is *not* a township office. Roll call vote: Mr. Zuccolotto– yes, Mr. Rouser – yes, and Mr. Hart – no. Motion carried, two yes, one no.

5. **AMENDED SUBDIVISION PLAN:** Solicitor Barbin explained that the next series of motions are all pertaining to the subdivision of the same property, which will be divided into three building lots on 60 acres. There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to approve an amended subdivision plan for Vernon G. & Debra M. Henry, Property Owners, to correct a drafting error in the annotation of two boundary lines shown on the Plan dated April 30, 2001, by the submission of Amended Subdivision I Plan; said plan approved by the Planning Commission on February 11, 2003 with recommendation for Supervisors' approval. Roll call vote: Mr. Hart– yes, Mr. Zuccolotto – yes, and Mr. Rouser – yes. Motion carried unanimously.

6. **MINOR SUBDIVISION – ADJOINING LAND MERGER:** There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve a minor subdivision – adjoining land merger for Vernon G. & Debra M. Henry, and Ralph W. & Charlotte H. Brumley, Property Owners, to change a joint boundary line by submission of Adjoining Land Merger Subdivision of Henry and Brumley; plan shows the swapping of Henry's Lots 1A & 1B for the Brumley's Lot 2A; plan approved by the Planning Commission on February 11, 2003 with recommendation for Supervisors' approval. Roll call vote: Mr. Zuccolotto– yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

MINUTES OF FEBRUARY 19, 2003 MEETING CONTINUED.

7. **SEWAGE FACILITIES PLANNING MODULE - COMPONENT 1:** There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to approve a sewage facilities planning module – component 1 for Vernon G. & Debra M. Henry, Property Owners, to create a new lot containing approximately 20.599 acres for residential use; a planning module exception form for an on-lot system for approval as a prerequisite to a subdivision submission has been submitted; planning module approved on February 11, 2003 by the Planning Commission, as Municipal Planning Agency; recommended for Supervisors' approval. Roll call vote: Mr. Zuccolotto– yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

8. **MINOR SUBDIVISION:** There was a motion by Mr. Hart, seconded by Mr. Zuccolotto, to approve a minor subdivision for Vernon G. & Debra M. Henry, Property Owners, to create a new lot containing approximately 20.599 acres for residential use; a subdivision plan for same has been submitted; on February 11, 2003, the Planning Commission voted to approve and sign this subdivision plan upon receipt of DEP's written approval of the planning module for this subdivision; the Supervisors' approval is conditional upon receipt of DEP's written approval of the planning module for this subdivision. Roll call vote: Mr. Zuccolotto– yes, Mr. Hart – yes, and Mr. Rouser – yes. Motion carried unanimously.

FLOOR OPENED TO PUBLIC COMMENT:

None.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, March 19, 2003 at 6:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Zuccolotto, seconded by Mr. Hart, to adjourn the meeting at 6:21 p.m.

Submitted by,

Albert E. Zuccolotto, Secretary/Treasurer