

MINUTES OF REGULAR MEETING OF DECEMBER 19, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:04 p.m. on December 19, 2007 by Chairman Calvin Gindlesperger. Board members present were Calvin Gindlesperger, Chairman, and Wayne Kauffman, Vice-Chairman. David Hart, Secretary/Treasurer was absent. Solicitor James Beener was present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT:

Mark Walker of Walker Consulting Services introduced himself stating he was looking forward to working as the Township's Zoning Officer and eventually working with the building codes. He stated he would be working with the people of this Township, not against them.

Chris Homyak of Tire Hill had a complaint concerning the police department on a personal issue and he was instructed to talk to Chief Barclay about it.

Dan Griffith of Somerset Pike requested an explanation on the roller that was sold for scrap. Solicitor Beener stated that this matter happened prior to Mr. Kauffman's and Mr. Gindlesperger's term on this Board. He stated that the Supervisors researched the issue by talking to individuals. It was found that apparently it had been past practice for years that small items of scrap would be sold for cash, which would then be deposited into a coffee can to be used for employee retirement parties or Christmas parties, etc. Before 2005, the roller was found to be unusable, and when put out for bid, no bids were received, therefore it was sold for scrap for \$1,100.00. Solicitor Beener stated no money was taken by any individual, it was placed in the coffee can, noting that this was all based on old information received. He further noted that when items were now sold for scrap, a check was received for the sale and it was deposited into the General Fund—it was no longer paid in cash and put in a coffee can. Solicitor Beener stated that if anyone knew anything that was inconsistent with this explanation, to let the Supervisors know.

Mr. Griffith stated he had no problem with small items of scrap being sold for cash, but felt the **MINUTES OF DECEMBER 19, 2007 MEETING CONTINUED.**

cash amount received for the roller was a considerable amount. The Supervisors agreed and reiterated that no scrap was sold for cash any longer.

Other individuals in the audience were not happy with this answer, asking why it took so long to come up with an answer, was there an audit done, why wasn't it turned over to the police, who delivered the roller to the scrap yard, and was there an ethics violation. Response from the Supervisors and Solicitor: The Supervisors took time in answering due to researching a matter they knew nothing about and there was no paper trail; an audit is performed on the Township's accounts annually, but again there was no paper trail in this matter; there is a statute of limitations; it is unknown by these Supervisors who took the roller to the scrap yard.

Cheri Yoder of Jerome asked if background checks were done prior to hiring police officers for the Township. Solicitor Beener stated that very substantial checks were performed on every officer hired, and they did not come to the Supervisors for hire unless recommended by the Chief.

Rich Maldet of Fernwood Drive was very concerned about the police department and what the Township was charging for the police services agreements. He stated that the Township could not afford to police other municipalities. Chairman Gindlesperger stated that Chief Barclay was reviewing what was currently being charged and what increases should be made. Mr. Maldet felt that the Township was spending too much on the police department and ignoring road maintenance, indicating that the road were in terrible shape.

Joe Stevens of Stevens Lane stated that the explanation concerning the roller matter “stunk”. He stated that at the beginning of next year he would be asking for a full review of everything, further noting he had found that for the last 21 months the average cash balance for the sewer department was approximately \$60,000.00. Mr. Stevens also was concerned about Mr. McKool not paying the sewer tap fee for Pine Crest. Chairman Gindlesperger stated this was currently in litigation. Mr. Stevens felt the water should be shut off to Pine Crest.. It was explained to Mr. Stevens that it was a different situation with a trailer court, noting that Mr. McKool was a public water supplier.

John Mastillo stated that Mr. McKool was a customer who was making his problems the Township’s problems. He further stated that someone at the PUC had told him that if one unit in the trailer court was not owned by Mr. McKool, and that unit pays him, then Mr. McKool would be considered a PUC. Solicitor Beener asked for the name and number of that person at the PUC.

Elsie Turous of Tire Hill stated she was still waiting for a call concerning her issue of paying a flat rate sewer fee when she had well water and a septic system. Chairman Gindlesperger stated that the Supervisors were working on the legal aspect of this situation to see what could be done. Mrs. Turous was extremely upset that no one had called her to tell her anything, nor did Josh Kalp from The EADS Group come to look at the situation concerning the condition her property was left in once the sewer lines went through her property, like he said he would. Tom Reilly of The EADS Group stated that Ron Reeping who worked for EADS and who was the inspector on the sewer project had gone to look at the property. Mrs. Turous stated she was not paying her sewer bill until she heard from the Township.

MINUTES OF DECEMBER 19, 2007 MEETING CONTINUED.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to accept the minutes of the regular meeting of November 21, 2007. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

BILLS:

There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to pay the bills for the month of December 2007 in the amount of \$84,265.63 for the General Fund, \$83, 854.73 for the Liquid Fuels Fund, and \$53,439.08 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

POLICE REPORTS:

The police reports as submitted by Chief Louis Barclay for the month of November 2007 for Conemaugh Township, Benson Borough, Shade Township, Quemahoning Township, and Stoystown Borough were read. There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to accept the police reports as read for the month of November 2007. Roll call vote:

Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – absent. Motion carried, one absent.

PERSONS TO BE HEARD:

1. **Vivian Berkebile** introduced herself as the wife of Randy Berkebile, Township Road Crew worker. She stated that Randy was currently off work due to a bad back, but his doctor recently released him to light duty until the end of December 2007, at which time Randy was to be evaluated to see if back surgery would be necessary, and the doctor had also indicated that Randy could plow snow, but not by hand. Mrs. Berkebile stated that the Supervisors were not permitting Randy to come back to work at this point. She gave a summary of what had transpired recently regarding Randy's case, reading doctor releases, letters from Solicitor Beener to the doctor, and noting all telephone calls made and discussions concerning the matter. Solicitor Beener stated that Mrs. Berkebile did not present the complete story and read the letters and doctor releases in their entirety. The matter to determine was whether or not Randy's doctor understood the strain that municipal snow plowing could have on his back and whether he would still release Randy to do municipal snow plowing. Chairman Gindlesperger noted that Randy was currently being paid short term disability, with the Township making up the difference in pay; therefore Randy was off with full pay and benefits. Mrs. Berkebile was concerned that if Randy would have back surgery, his short term disability (which runs for six months) would run out since he has been on it since September 2007. Solicitor Beener stated that no decision would be made until after Randy's doctor's appointment this Friday.

2. **John Mastillo** of Jerome asked if the matter of Chief Barclay's back pay was settled. Chairman Gindlesperger answered that it would be settled shortly and it was proposed to pay Chief Barclay an extra \$4.52/hr for the next three years, which would take care of the back pay owed.

Mr. Mastillo discussed the rate charged for the police services agreements, stating that the Supervisors should use the total police budget and divide that by twelve months, which would show how much the Township pays for police per month, then divide that figure by 30 days to get what the Township pays per day for police, and then divide that figure by 24 hours to get the hourly rate. He stated that the Township was giving police protection away and felt the Township should not have the police services agreements.

MINUTES OF DECEMBER 19, 2007 MEETING CONTINUED.

Mr. Mastillo felt that Mr. Gindlesperger did not spend much time at the Township and did not know what was going on. Chief Barclay stated he was in daily contact with Chairman Gindlesperger, spending a lot of time on police matters. Mr. Mastillo felt Chairman Gindlesperger was not accessible to the public. Chairman Gindlesperger stated he was a part-time roadmaster and if he tried to answer all calls, he would not be able to get his work done at his full-time job, noting that his cell phone was his business phone, and the number could not be given out for public use. He further noted that he spent ten to twenty hours per week on Township business.

CORRESPONDENCE:

1. Chairman Gindlesperger read a letter received Steve Buncich resigning from the Conemaugh Township Recreation Commission effective December 31, 2007. There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, accepting the resignation of Steve Buncich from the Conemaugh Township Recreation Commission effective December 31, 2007.

Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **ADOPTION OF 2008 BUDGET:** There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to adopt the final 2008 Budget for Conemaugh Township as follows: General Fund 01 - \$2,487,946; Street Light Fund 02 - \$28,387; Fire Protection Fund 03 - \$107,750; Sewer Fund 08 - \$1,337,200; and Liquid Fuels Fund 35 - \$334,666; there will be no tax increase. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – absent. Motion carried, one absent.

2. **OPEN & ACCEPT BID(S) FOR GASOLINE & DIESEL FUEL:** Chairman Gindlesperger 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 12/07/07 at 2.30613, plus a firm add-on cost of .12 with the net bid being 2.42613 per gallon. The bid for diesel fuel used the OPIS Altoona Average as of 12/07/07 at 2.63578, with the addition of .025/gallon from November 15 to March 31 for winterization, plus a firm add-on cost of .12 with the net bid being 2.75578 per gallon. There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to accept the bid for the purchase of regular unleaded gasoline at a rate of 2.41613 per gallon, and diesel fuel at the rate of 2.75578 per gallon, from The Lockard Company for the year 2008 using a two-card purchasing system. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – absent. Motion carried, one absent.

3. **HIRING OF PART-TIME POLICE OFFICER:** Chairman Gindlesperger stated that Mr. Hunter was recommended for hire by Chief Barclay and he was currently working for the District Attorney's office. There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to hire Jason Hunter as part-time police officer for the Conemaugh Township Police Department. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – absent. Motion carried, one absent.

MINUTES OF DECEMBER 19, 2007 MEETING CONTINUED.

4. **APPOINTMENT OF ZONING OFFICER:** There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to appoint Mark Walker of Walker Consulting Services as the Zoning Officer for the Township. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

5. **TERM OF MOCK ON CTMA BOARD:** There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to revise the earlier motion of October 24, 2007 appointing Vernon Mock to a term on the Conemaugh Township Municipal Authority Board in accordance with the request of CTMA; said term to expire January 3, 2011. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – absent. Motion carried, one absent.

6. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved and signed this Plan on December 11, 2007. There was a motion by Mr. , seconded by Mr. , to approve the minor subdivision plan of Dennis C. Williamson, owner and applicant, to create Lots A, B, and C containing approximately 0.8639 acres, 2.2521 acres, and 2.1134 acres respectively

from the parent Parcel S12-076-008-00 containing 5.2294 acres. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

7. **MINOR SUBDIVISION & LAND MERGER:** The Conemaugh Township Planning Commission approved and signed this Plan on December 11, 2007. There was a motion by Mr., seconded by Mr., to approve the minor subdivision and land merger of John C. Thomas, owner and applicant, to create Parcel A containing approximately 1.15 acres from the parent Parcel S12-025-027-00, with a residue of 0.77 acres, and subsequently merge Parcel A with existing Parcel S12-025-028-00, thus increasing the size of Parcel S12-025-028-00 to approximately 1.96 acres. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

8. **MAJOR SUBDIVISION:** The Conemaugh Township Planning Commission approved and signed this Plan on December 11, 2007. There was a motion by Mr., seconded by Mr., to approve the major subdivision of Robert P. & Gladys R. McKee, owner and applicant, to create Lot #6 containing approximately 1.858 acres from the parent Parcel S12-007-050, with a residue of 91.80 acres. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

9. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved and signed this Plan on December 11, 2007. There was a motion by Mr., seconded by Mr., to approve the minor subdivision of Ethelmae Gearhart, owner and applicant, to Lots Nos. 1 and 2 containing approximately 10.050 and 14.376 acres respectively from the parent Parcel S12-006-040-00, with a residue of 224+/- acres. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

10. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved this Plan on December 11, 2007, pending certain revisions to the Plan. The revisions were submitted on December 12, 2007. There was a motion by Mr., seconded by Mr., to approve the minor subdivision of John D. & Jean Ann Safko, owner and applicant, to create Lots No. 1 and 2 containing approximately 1.396 and 1.395 acres respectively from the parent Parcel S12-065-003-00, with a residue of 3.235 acres. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

MINUTES OF DECEMBER 19, 2007 MEETING CONTINUED.

11. **MINOR SUBDIVISION & LAND MERGER:** The Conemaugh Township Planning Commission approved and signed this Plan on December 11, 2007. There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to approve the minor subdivision and land merger of Robert C. & Dorothy L. Dinges, owner, and Terry L. Ruparcic, applicant, to create Lot No. 1A containing approximately 1.98 acres from parent Parcel S12-007-005-00 with a residue of approximately 4.12 acres, being owned by Robert C. and Dorothy L. Dinges, and subsequently merging Lot No. 1A with Lot No. 2 consisting of Parcel S12-064-006-01 and Parcel S12-064-011-01, being owned by Terry L. and Georgann Ruparcic, thus increasing the size of Lot No. 2 to approximately 6.23 acres. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – absent. Motion carried, one absent.

ENGINEER UPDATE:

Tom Reilly of The EADS Group stated that we were waiting for the next PENNVEST meeting on January 2, 2007 after which time we would know more on the funding for the Phase II Sewer Project.

ITEMS FOR DISCUSSION:

None.

ANNOUNCEMENTS:

1. The reorganization meeting of the Township Supervisors will be held on Monday, January 7, 2008 at 7:00 p.m.
2. The Township Auditors will reorganize on Tues., Jan. 8, 2008 at 9:00 a.m.
3. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, January 16, 2008 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to adjourn the meeting at 8:52 p.m.

Submitted by,

Cindy L. Walerysiak, Assistant Secretary/Treasurer