

MINUTES OF REGULAR MEETING OF OCTOBER 24, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:06 p.m. on October 24, 2007 by Chairman Calvin Gindlesperger. Board members present were Calvin Gindlesperger, Chairman, Wayne Kauffman, Vice-Chairman, and David Hart, Secretary/ Treasurer. Solicitor James Beener was present.

Pledge to the Flag.

At this point, Chairman Gindlesperger skipped to Item H on the agenda:

RESOLUTION R05-07:

Chairman Gindlesperger explained that the Supervisors had raised the sewer rates back in August 2007 from \$26.00 per 1,000 gallons, and \$.65 per 100 additional gallons, to \$33.00 per 800 gallons, and \$.85 per 100 additional gallons. He stated the Supervisors re-evaluated everything. Josh Kalp of The EADS Group noted that the income figures were revised. It was decided that the rates could be dropped to \$32.00 per 1,000 gallons, and \$.80 per 100 additional gallons. This would be just above a 20% increase and was needed in order to balance the sewer budget.

The public present did not feel this was a deal. A request was made for a copy of the sewer budget that would show what the sewer department employees were paid. Chairman Gindlesperger said that could be obtained from the sewer office. John Mastillo stated that he had received records from the Township for the past several years that showed the Sewer Department in the black. He further questioned the need to raise the rates if Mr. McKool paid what he owed. Mr. Kalp noted that the new rates included taking into account Mr. McKool paying what he should.

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to adopt Resolution R05-07 amending Resolution R04-07 to revise the rates for sanitary sewer service for the Conemaugh Township Sewer System customers effective the November 15, 2007 billing cycle, which is for the October meter readings.

FLOOR OPENED TO PUBLIC COMMENT:

Alice Trinder of Jerome felt there was a problem with the Sewer Department and that the Township needed a controller to handle the money. She wanted to know why there were two people collecting sewer payments when the Water Authority could be doing this. Chairman Gindlesperger said the Water Authority and the Sewer Department were two separate entities.

Albert Zuccolotto of Wilshire Boulevard wanted to know when Pete Barclay came back from the service, who decided to make Howard Jackson Officer in Charge. Chairman Gindlesperger answered, the Board of Supervisors. Mr. Zuccolotto wanted to know who made a motion to remove Mr. Barclay as Chief. Chairman Gindlesperger stated it was the Board's decision. Mr. Zuccolotto said the Supervisors made Mr. Barclay Officer in Charge and suspended Mr. Jackson as Chief with pay. He felt the Supervisors could have taken Mr. Jackson out of the Chief's position and put him at patrolman's salary, which would have saved money. Mr. Zuccolotto noted that there was not a case where Supervisors made a decision and lost when challenged. He asked the Supervisors to make a motion tonight to remove Mr. Jackson as Chief of Police

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Bill Huss of Ideal Park asked if the Township had a dog law. Chairman Gindlesperger stated the Township had a dog ordinance and that he should file a formal complaint with the police department and they would enforce it.

John Mastillo of Jerome felt it was unusual that when a sewer customer was behind in their sewer bills they were not permitted to make partial payments, but Mr. McKool was. He further stated he did not find any litigation filed by the Township against Mr. McKool as was stated at the previous meeting. Solicitor Beener stated that the Supervisors were talking litigation and had been meeting with Mr. McKool trying to resolve the situation with no success. Therefore, a complaint had been signed tonight and a lawsuit was now officially filed against Mr. McKool.

Mr. Mastillo stated that Mr. McKool was profiting from what he was collecting from his tenants, referring to a letter Mr. McKool sent out to his tenants showing that what he was charging them for sewage. Mr. Mastillo wanted to know why Pine Crest was not billed by EDU's. Chairman Gindlesperger noted that Mr. McKool owns his own meters.

Joyce Graham of Hollsopple wanted to know where Howard Jackson's K-9 dog was. It was noted that Mr. Jackson still had the dog. Solicitor Beener stated he would send a registered letter to Mr. Jackson to have the dog returned to the police department. Chairman Gindlesperger stated that the City of Johnstown wanted the dog. Joe Marisa, Jr. also stated he was interested in purchasing the dog.

Eric Ewing of Jerome informed the Supervisors that the water meters were not being read on a monthly basis. He said the law states that the meters should be read every 30 to 31 days, but recently the water meters were being read every 33, 34, or 35 days, which caused customers to pay more. Chairman Gindlesperger stated he would look into this matter, and a letter would be sent to correct this.

Peggy Reynolds of Pine Crest Estates stated that her sewage bill was outrageous again at \$82.00, noting that she did have a small water leak. She further wanted to know why the Supervisors did not have a PC available at the meetings so that they could answer the questions asked immediately without deferring them to the next meeting. Chairman Gindlesperger stated that all questions had been answered tonight.

Elsie Turous of Tire Hill wanted to know why she was being billed for sewage when she had well water. She also stated that her yard was used to install three cisterns and was still a mess. Mr. Kalp would talk to her after the meeting.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the minutes of the regular meeting of September 19, 2007, and Special Meeting of October 9, 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to pay the bills for the month of October 2007 in the amount of \$49,900.32 for the General Fund, \$13,485.75 for the Liquid Fuels Fund, and \$27,693.85 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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POLICE REPORTS:

The police reports as submitted by Officer in Charge Louis Barclay for the month of September 2007 for Conemaugh Township, Benson Borough, Shade Township, Quemahoning Township, and Stoystown Borough were read. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the police reports as read for the month of September 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

At this point, Chairman Gindlesperger stated that the Supervisors had an ongoing situation with Joe Stevens and he had talked to Mr. Stevens today. He read the following:

“RESOLVED that the Conemaugh Township Supervisors have been unable to negotiate a resolution with Mr. Joseph Stevens and, therefore, agree to submit a claim to the appropriate insurance carrier for the Township in connection with the claim of Mr. Stevens for damages in connection with the location of a sanitary sewer line on his property without an executed right-of-way. ADOPTED at the regular meeting this 24th day of October, 2007.”

Chairman Gindlesperger stated this would be signed by all three Supervisors

PERSONS TO BE HEARD:

1. **Greg Simmons** from the Department of Defense stated that the Township had an employee that was activated overseas and when he came back he should have been reinstated as Chief with all rights as Chief per the SERRA Law, which nothing supersedes. Mr. Simmons asked if Mr. Barclay was now Chief of Police. The Supervisors stated, no, he was Officer in Charge. Mr. Simmons stated he had to be Chief, not Officer in Charge. He said if this was not settled here, it would be turned in to the Department of Labor. Solicitor Beener noted that it was already turned in, and he had talked with a lady from Pittsburgh who handled veteran matters. He had gone over things with her step by step on this. Mr. Simmons stated there was a Dennis Ero who lived in Boswell who handled veteran’s rights under the Department of Labor.

Mr. Simmons further stated that under Federal Law, employment was not to be denied because someone was in the service or reserves.....career opportunities were not to be limited or reduced. He said the Supervisors gave Mr. Barclay a leave of absence, but he needed to be treated as though he had never left. Mr. Simmons asked that the Supervisors sign a policy regarding military employees, which he presented to them. He also presented the Supervisors with a certificate of appreciation for their support of military personnel, along with a frame so that it could be publically displayed. Mr. Simmons noted that by the Supervisors supporting employees in the military they were supporting town heroes and enabled them to do the job they were doing for our Country.

Someone asked about Mr. Barclay’s salary, since he had been demoted from chief to patrolman. It was stated this was in the hands of the Department of Labor. Chairman Gindlesperger stated that the Supervisors were working on this with Mr. Barclay.

2. **Joe Stevens** of Stevens Lane thanked Mr. Gindlesperger and Mr. Kauffman for the conversation they have had with him concerning his sewer issue.

Mr. Steven stated the Supervisors should be reasonable and fair when trying to solve the sewer rate problem. He stated they should look at everything presented to them. Mr. Stevens said he

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did not appreciate the discrimination going on in regard to how many sewer taps certain people are paying for. He felt that with the facts on the table the Supervisors would not only be able to reduce the rates back to where they were, but to even reduce them further.

Mr. Stevens once again brought up the apparent theft of money from the Township as it pertained to the sale of a roller for scrap. He stated the matter was still not resolved; he has looked into it twice and the Township accounts do not show receipt of this money. Chairman Gindlesperger stated he would look into the situation and give a report on it at the next Board meeting.

3. **Cheri Yoder** of Jerome felt that the sewer rates were still unacceptable. She wanted to know why there were two secretaries in the sewer department, when most other municipalities only have one with more than 1800 customers. Chairman Gindlesperger stated that one secretary in the sewer department may be off for an indefinite amount of time; how would the office be covered during that event. Ms. Yoder said the Water Authority could do this, since they did most of the work anyway. Chairman Gindlesperger explained that the only thing the Water Authority did for the sewer department was supply them with meter readings. It was suggested that the Township hire a temp. Chairman Gindlesperger stated that this secretary could be off for 2 or 3 months and a temp would not know the inner workings of that office.

Ms. Yoder further wanted to know why the Supervisors waited until tonight to file charges on Mr. McKool. Solicitor Beener explained that there had been a few meetings with Mr. McKool and it was felt that the matter could have been resolved, but it was not, so now there was the need to file. It was asked how long it might take to have this resolved. Chairman Gindlesperger he knew of one case that drug out for three years...it was taken to the Supreme Court. Someone stated that the water to Pine Crest should be shut off. Solicitor Beener noted if that was done, then 167 innocent people would be affected; it would not work in this situation.

4. **George Knapp** of Benson Borough stated that the Township sewer rates had nothing to do with Benson Borough. He stated that years ago Benson Borough had signed an agreement giving their sewer system over to the Township. The agreement was through PENNVEST and Farmers Home and stated the Borough residents were to pay a sewage rate of \$15.00 per month for 30 years. Chairman Gindlesperger requested that Mr. Knapp get the Supervisors a copy of that agreement.

5. **John Mastillo** of Jerome questioned how much gas mileage Mr. Hart was being reimbursed in comparison to Mr. Kauffman. Mr. Kauffman explained that he used the Township trucks mostly during working hours, and Mr. Hart used his personal vehicle most of the time. Mr. Mastillo noted that Mr. Kauffman received gas mileage reimbursement of approximately \$325.00 every three months, and Mr. Hart's was more per month.

Mr. Mastillo stated he was concerned about how much the Township was being paid from the other municipalities that the Township police were patrolling. Chairman Gindlesperger stated these agreements were being reviewed at present. Mr. Mastillo further noted that the Township paid the Solicitor \$7,552.00 to work on these agreements. He also stated that the amount spent on vehicle gasoline had gone up this year. Chairman Gindlesperger again stated these agreements were being reviewed.

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Mr. Mastillo stated that Greg Simmons had called him at home to find out how to reach Mr. Gindlesperger. Chairman Gindlesperger gave out his cell phone number and his pager number at this time.

Mr. Mastillo was concerned with how much it was costing the Township by having Howard Jackson suspended with Chief's pay. He felt he should have been demoted to patrolman and suspended at that salary, or he could be fired and let him file a lawsuit. Solicitor Beener stated this matter had to go through the process since there were charges filed. Chairman Gindlesperger stated Mr. Jackson as innocent until proven guilty.

6. **Ginger Graham** asked if there were any other cable companies that Township could go with instead of Atlantic Broadband. The Supervisors answered, no, the only way to have another cable company for the Township would be for that company to buy out Atlantic Broadband. Ms. Graham also complained about her cable rates.

7. **Bill Shroyer** stated he would like to file a complaint against Officer Popma. Solicitor Beener said he would talk to him after the meeting.

CORRESPONDENCE:

1. Chairman Gindlesperger read a letter received from the Conemaugh Township Municipal Authority requesting that the Supervisors appoint Vernon Mock to a full five-year term on their Board, and to re-appoint Charles Carrico to another full five-year term. Chairman Gindlesperger noted that Vernon Mock would fill the vacant seat on the Board at this time, and Mr. Carrico should be reappointed at the reorganization meeting in January.

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to appoint Vernon Mock to a full five-year term on the Conemaugh Township Municipal Authority Board to fill the current vacant seat in order to bring their Board up to seven members. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes, and Mr. Kauffman – no. Mr. Kauffman felt this also should be done at the reorganization meeting in January. Motion carried, two yes, one no.

2. Chairman Gindlesperger read a letter received from the Conemaugh Township Youth League requesting permission to install playground equipment at the Hollsopple Ball Field, which would be done in the spring. Solicitor Beener advised the Supervisors to place this on hold until he could review the request further.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **PURCHASE OF COMPUTER SOFTWARE PROGRAM FOR POLICE:** Chairman Gindlesperger stated he had received a request from Officer in Charge, Louis Barclay, to purchase a software package for the police department, adding that their computer system had been down for months. He said that five different software packages were reviewed, ranging in price up to \$8,000.00. There were three Townships that currently had this software in place. It was further noted that BDD Customer Software Systems would be able to install and train the police department staff prior to January 2008. There was a motion by Mr. Gindlesperger,

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seconded by Mr. Kauffman, to authorize the purchase of a computer software program for the police department from BDD Customer Software Systems in the amount of \$3,600.00, which would include installation, training for personnel, and on-going tech support. Solicitor Beener stated this purchase would be permitted since it was under \$4,000.00. Chairman Gindlesperger noted that there were other quotes on record. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – yes. Motion carried unanimously.

2. **ADVERTISE FOR BIDS FOR SALE OF VEHICLES:** There was a motion by Mr. Kauffman, seconded by M. Hart, to advertise for bids for the sale of: 1) 1995 Dodge dump truck with plow & spreader; 2) 1995 Ford F-150 truck with plow; and 3) 2003 Crown Victoria police cruiser; all to be sold as-is. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3 **POLICE PENSION PLAN DEPOSIT:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to ratify the September 27, 2007 deposit of \$52,757.00 into the Non-Uniform Pension Plan, and \$18,865.00 into the Police Pension Plan with Mass Mutual Retirement Services, which represents the minimum municipal obligation to the Plan for the year 2007. (\$71,278.66 from 2007 State Aid; \$343.34 from General Fund.) Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

4. **FOREIGN FIRE RELIEF FUND DISTRIBUTION:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to ratify the September 27, 2007 distribution of the 2007 Foreign Fire Relief Funds in the amount of \$40,864.62 as follows: Krings Volunteer Firemen Relief Association (CT Fire Co.) - \$10,216.16; Ideal Volunteer Fire Company Firemen's Relief Association - \$10,216.16; Jerome Volunteer Firemen's Relief Association - \$10,216.16; and Community Volunteer Fire Company of Hollsopple Relief Association - \$10,216.14. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

5. **RESIGNATION OF PART-TIME POLICE OFFICER:** Chairman Gindlesperger read a letter received from Officer Jeffrey Vivian resigning as a part-time police officer due to other job opportunities and the pursuit of education. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to accept the resignation of Jeffrey J. Vivian as part-time police officer for the Conemaugh Township Police Department, effective October 18, 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

6. **HIRING OF PART-TIME POLICE OFFICER:** Chairman Gindlesperger read a letter from Officer in Charge, Louis Barclay, requesting the Supervisors hire Jody Eberhart as a part-time police officer due to the difficulty in filling the required shifts. There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to hire Jody L. Eberhart as part-time police officer for the Conemaugh Township Police Department. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Hart – yes. Motion carried unanimously.

7. **REFUND OF GREENHOUSE PARK RENTAL:** Chairman Gindlesperger stated that Terry Ruparcic had requested a refund of the Conemaugh Township Fire Company's rental fee of Greenhouse Park for their wing fling at the last meeting. There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to approve the refund of \$1,000.00 to the Conemaugh Township Volunteer Fire Company, which represents one-half of the rental fee for Greenhouse Park for their Wing Fling Saturdays in July. Mr. Hart called for a discussion on this

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matter. He stated that two issues had been brought up by Mr. Ruparcic, one was about another rental being on the same day as the wing fling, and one was about the rocks being hauled in. Mr. Hart noted that the Township had no one on record as renting a pavilion at Greenhouse Park during the wing fling. He felt that a \$500.00 refund could be given due to the rocks. Mr. Ruparcic said the Township had no one patrolling at the Greenhouse Park to see who was going in and out of the Park, and it was not the fire company's responsibility. He reminded the Supervisors that he had also requested one flat rate be set for the fire companies for rental of the Park. Chairman Gindlesperger stated this was being worked on. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Hart – no. Motion carried, two yes, one no.

8. **WHITEWATER PARK INVOICE:** There was a motion by Mr. Hart, seconded by Mr. Kauffman, to approve contractor payment request No. 1 to Kukurin Contracting, Inc. in the amount of \$281,752.07 for work done on the Whitewater Park Project to be paid from the DCNR Grant monies for this Project; pending receipt the DCNR Grant monies. Roll call vote: Mr. Hart – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

9. **MINOR SUBDIVISION:** The Conemaugh Township Planning Commission approved and signed this Plan on October 9, 2007. There was a motion by Mr. Kauffman, seconded by Mr. Hart, to approve the subdivision plan for Terri Ann Dovey, property owner and applicant, to create Lot 1 containing approximately 5.03 acres from the parent parcel S12-007-056 with a residue of 231.6 acres; Lot 1 to then be merged with parcel S12-007-058 currently owned by the Tire Hill Rod & Gun Club. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

ENGINEER UPDATE:

Josh Kalp of The EADS Group reported that the Greenhouse Whitewater Park was about 90% complete, and would be 100% complete by the end of next week. He also stated that the funding decision by PENNVEST for the Benscreek Phase II Sewer Project was rolled over to January, and this would be the last time this application could be considered.

ITEMS FOR DISCUSSION:

1. **Mark Walker – Zoning/Building Code Officer** – Solicitor Beener stated he was requested to review the possibility of replacing the Middle Department Inspection Agency with a local contractor, Mark Walker, who did business as Walker Consulting Services. Mr. Walker had presented a draft agreement and proposed fee schedule to the Supervisors for review. Mr. Kauffman stated that he and Cindy had meet with Mr. Walker and were very impressed with his knowledge and willingness to take on this job for the Township. He further noted that the Township had received numerous complaints on MDIA and their service. Solicitor Beener said to make sure that Mr. Walker's rate schedule was included in the final agreement.

There was a motion by Mr. Hart, seconded by Mr. Gindlesperger, to approve the rate schedule as provided by Mark Walker in his proposal to the Township, subject to the termination of the agreement with the Middle Department Inspection Agency. Roll call vote: Mr. Hart – yes, Mr. Gindlesperger – yes, and Mr. Kauffman – yes. Motion carried unanimously.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, November 21, 2007 at 7:00 p.m.

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ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to adjourn the meeting at 8:40 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer