

MINUTES OF REGULAR MEETING OF SEPTEMBER 19, 2007

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:03 p.m. on September 19, 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 asked Josh Kalp of The EADS Group to make a statement regarding the sewer rates. Mr. Kalp stated everything everyone had to say at last month's meeting was taken into consideration, they looked at their evaluation, and there were possibly a few adjustments that could be made. This issue was still being evaluated and the result may be an adjustment to the sewer rates.

Solicitor Beener indicated that an announcement would be made at next month's meeting concerning any adjustment to the sewer rates. The Supervisors were not in a position to finalize anything tonight, but it appeared that the rate increase could be pulled back some.

Someone asked if they would receive a credit on the sewer bills already paid. Solicitor Beener answered, yes, everything would go back to the original date of the increase.

FLOOR OPENED TO PUBLIC COMMENT:

Lou Huber of Soap Hollow Road asked if the Supervisors knew if the area near his residence on Soap Hollow Road was going to be repaired by Penn DOT. Mr. Hart answered, no; Penn DOT had stated to him verbally that nothing would be done. Mr. Huber requested the County Commissioners be asked to get involved. Mr. Hart said he would contact the Commissioners.

Joseph Stevens of Stevens Lane discussed the alleged theft of a Township roller. He said that Mr. Hart had stated there was no theft and that the \$1,100.00 received for the roller for scrap was deposited into the Township's account. Mr. Stevens stated he had looked into this matter and had found no receipt or deposit for the \$1,100.00.

Mr. Stevens stated he also reviewed the sewer taps that were paid and had found that there was an alleged 150-200 not paid. He also wanted to know if the Supervisors were going to reinstate the former police chief who had served in the Middle East. Mr. Steven said if the Supervisors did not answer his questions, he was going to ask for the resignation of Mr. Hart and Mr. Gindlesperger tonight. Mr. Stevens wanted an answer about the roller, the sewer taps that were not paid (who was getting a better deal than the rest of them), and an explanation about the chief of police.

Mr. Stevens asked again about the roller, stating there was no money in the Township's account for the roller. He wanted to know who took it to the scrap yard, who ordered it to be taken to the scrap yard, and where the funds were. Mr. Stevens asked Mr. Kauffman and Mr. Gindlesperger if they had anything to do with this. They both answered, no, so Mr. Stevens said it was up to Mr. Hart, then, to explain where the money was. Mr. Hart stated that the money was in the Township's account. Mr. Stevens stated he was shown receipts from Kantner Steel for \$128.00 cash, \$150.00 cash, and \$144.00 cash. The total cash deposited was \$924.65. Mr. Stevens said there was no receipt for \$1,100.00. Mr. Stevens reiterated that Mr. Hart had said the roller brought in \$1,100.00. Mr. Hart said he thought it did, he did not look at the books before he told

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Mr. Stevens that amount. Mr. Stevens asked who hauled the roller to the scrap yard. Mr. Hart answered the Township workers did, but did not know the names.

Mr. Stevens again stated that before the meeting was over he was going to demand the resignation of Mr. Hart and Mr. Gindlesperger.

Chairman Gindlesperger stated to Mr. Stevens that his questions regarding the police department could not be discussed at this time, it was an internal problem and there was litigation involved. Solicitor Beener noted that personnel matters were not permitted to be discussed in public. Mr. Stevens felt it was a disgrace that the Supervisors would not reinstate a police chief that was a veteran. Chairman Gindlesperger informed Mr. Stevens that he had spent the last eight weeks on this police matter.

Mr. Stevens requested that the Supervisors do the right thing tonight and make a motion to reinstate Pete Barclay as Chief of Police; all three Supervisors should approve it. Solicitor Beener informed Mr. Stevens that there were laws that applied that did not allow the Supervisors to do just what they wanted to do whenever someone wanted them to do it. There had been considerable time and effort spent on this police matter, but the Supervisors were just not permitted to discuss it at a public meeting. Mr. Stevens stated he accepted that, but he asked about the Federal law that stated that when someone went to the service and then returned, they were to be given their job back. Solicitor Beener stated that would be the Veteran's Preference Act, and there were a lot of things involved in this matter, but it just could not be discussed.

Someone wanted to know why it was okay to "get rid" of Chief Barclay when he returned from the service, but it was not okay to do that now. Mr. Hart noted that Mr. Barclay stayed as Chief at his same pay for over one year. It was asked if he was then demoted to patrolman. Mr. Hart answered that was exactly what happened.

Albert Zuccolotto stated that even though the police issue was a personnel matter, all it would take from the Supervisors would be a motion to reinstate Pete Barclay as Chief of Police, and demote Howard Jackson- put it to the floor and vote on it, there was nothing illegal about that. Solicitor Beener stated he thought Mr. Zuccolotto was wrong. The people wanted to know how, then, had it been done before. Solicitor Beener again stated that he thought Mr. Zuccolotto was dead wrong, but he would be happy to discuss this with him after the meeting.

John Mastillo of Jerome stated that in defense of Mr. Gindlesperger, he had spent a lot of time on the police matter. He further stated that in reference to the roller, it was his knowledge that when the Township needed to get rid of equipment, even if it was thought to be junk, it was supposed to be bid out in order to find the value and to see if anyone wanted to buy it before it would be declared as junk. Solicitor Beener stated he knew what Mr. Mastillo was referring to, he felt the number was around \$1,000.00, but there was a limit above and below, he did not remember the details, but there was a level for property that required to be bid, but some did not have to be bid. Mr. Mastillo stated that the Township could have shopped around for a better price for the roller than just selling it for scrap for \$1,100.00. He further stated that when fingers were pointed, they should be pointed in the right direction since Mr. Kauffman and Mr. Gindlesperger did not have anything to do with the roller matter.

Joyce Graham of Hollsopple wanted to know why the K-9 dogs still had not been certified. The

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police department had them for six month now. She wanted to know how long the Township was going to pay for the maintenance and upkeep of these dogs before they were patrolling the Township. Mrs. Graham also wanted to know when the Durango's were going to be properly equipped for the K-9's.

Chairman Gindlesperger stated there were a lot of issues that needed to be taken care of with the police force, which was being worked on. He stated that the Township's police force was in total disarray right now.

Solicitor Beener stated that one of the issues Mrs. Graham had brought up had been checked, which was about the donation of food for the K-9's. Mrs. Graham stated she knew that PETCO did not donate dog food to dogs that were not certified to patrol, and the Township's dogs were not certified. At this point, Chairman Gindlesperger read a letter received from Donald Carney, General Manager of PETCO, which indicated that they donated bags of dog food to the K-9 Units of various law enforcement agencies, including Conemaugh Township. Mrs. Graham stated that Donald Carney was not the right person to talk to; he was not the manager of the Richland PETCO. She said they should talk to Jennifer, the manager at that store, and she reiterated that the K-9's had to be certified in order to receive the donated food.

Peggy Reynolds of Pine Crest Estates wanted to know what the rates were for water and sewer, indicating that she knew it was handled differently for Mr. McKool. Mr. Hart stated the Township's sewage rates had been a \$26.00 base rate per 1,000 gallons and \$.65 for every 100 gallons after that. It would cost \$39.00 for 3,000 gallons, and that was what Mr. McKool had been billed for sewage. It was unknown what the water rate was. Mrs. Reynolds stated her water bill had gone up for the past three months. Her last bill was \$117.00, \$43.00 was for water and \$73.00 was for sewage. This was an invoice she received from Mr. McKool. Solicitor Beener requested a copy of this invoice for review. Chairman Gindlesperger explained that Mr. McKool had a secondary system and could charge his tenants what he wanted. Solicitor Beener would look into this. A question was asked if Mr. McKool had paid his tap-in fee yet. Solicitor Beener answered, no, but there were issues with Mr. McKool the Township would be dealing with and this would be litigation almost certainly before it was resolved. It was also noted that Mr. McKool was not paying the Township his monthly invoice in full. Mrs. Reynolds further stated that there were times when they had very little water coming from their faucets. Chairman Gindlesperger suggested she contact DEP regarding this since Mr. McKool was regulated by them.

John Mastillo stated he checked on what Mr. McKool was billed per month for sewage and found that he was supposed to pay \$5,457.70/month. Mr. Mastillo stated he figured out that this would come to \$34.11 per EDU, noting that the flat rate for those without sewage was \$45.00/month. Therefore, Mr. McKool was being billed below the flat rate. He stated the tenants were obviously being gouged. Mr. Mastillo said that the sewage from this trailer court was being treated and those residents paying their sewage bills legitimately were footing the bill for Mr. McKool. Mr. Mastillo asked Mr. Hart why Mr. McKool was only billed \$5,457.70/month at \$34.11 per EDU, and Mr. Mastillo's personal sewage bill was \$70.00. Mr. Hart answered that originally the flat rate was only \$26.00 per 1,000 gallons billed on EDU consumption. Mr. Mastillo felt that Mr. McKool's rate should be raised so that the Township did not have to raise everyone else's rate 40%. He stated he called Darcy in the sewer department and found out that the Water Authority did not send readings to the sewer department for the trailer park. He said

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Darcy had told him Mr. McKool could use as much water as he wanted; he was on a flat rate.

Mr. Mastillo told Mr. Hart he knew what was going on here and he should tell the other Supervisors because eventually it was going to be uncovered, stating that 40% was a big increase on the sewer rates. He felt that if everyone was billed the way they were supposed to be, there would not need to be an increase the sewer rates, they could be decreased. Mr. Mastillo asked Mr. Hart for an answer as to why it was set up like this because when he asked the Engineer, he was told to ask a Supervisor. Mr. Hart answered that was the option that was chosen out of the three options that were given. Mr. Mastillo wanted to know why Mr. McKool was being given such a break. Mr. Hart said it was not a break; it was the option that was used.

Mr. Mastillo wanted to know why Mr. McKool's meter was not being read. Mr. Hart stated he did not know it was not being read. Mr. Mastillo then wanted to know why Mr. Hart did not know why Mr. McKool's meter was not being read. Mr. Hart stated that the Water Authority sent all the readings down monthly and it was assumed that all the readings were there. Mr. Hart noted he did not do the billings or read the meters.

Mr. Mastillo stated that in the April minutes Mr. Hart had said he was not being compensated from the sewer fund. Mr. Hart stated that he received a check from the Township's General Fund for his wages and the Sewer Fund reimbursed the General Fund 25% to cover the time he spent on sewer matters. Solicitor Beener noted this was explained at the last meeting. Mr. Mastillo also stated it did not make sense how the 25% was figured out. Mr. Mastillo stated he had received the pay amounts for all three Supervisors. He asked Mr. Hart to clarify what his salary was. Mr. Hart stated he made approximately \$52,000.00/year without benefits added in. Mr. Mastillo said adding another \$20,000 or so for benefits the total would be about \$76,000.00/year. Mr. Mastillo felt there was a \$20,000 deficit that needed to be explained, according to what he had figured. Mr. Mastillo stated that Mr. Hart was not qualified to manage the Sewer Department. He felt that Mr. Gindlesperger would be able to do a better job at overseeing that department because he was highly qualified. Mr. Mastillo felt that if Pine Crest was charged the property rate, the sewer rates would not need to go up. Mr. Gindlesperger reiterated that the Supervisors were working on that.

Someone wanted to know if anyone had forced the Township to do the sewer projects. Chairman Gindlesperger answered that they were mandated by DEP to get sewage put in; all municipalities in the State were.

An individual stated that this was the third Township meeting he had ever attended. He wondered why answers were always seemed to be tabled to the next meeting. Chairman Gindlesperger stated that some answers to the questions were in the Township's records and research was required to obtain the proper facts and figures before giving a response was given.

Mr. Meyers of Soap Hollow asked if the Supervisors had contacted the municipalities on the list that had been passed around with the various sewer rates to see how they kept their rates so low. Chairman Gindlesperger stated that he had, and some of those municipalities had sewer systems dating back to 1960, noting that those systems had large infiltration problems and would be mandated to be upgraded in the near future. He said that their sewer rates would have to be increased also.

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Ginger Graham of Hollsopple asked if the Supervisors received police reports for all the municipalities patrolled by the police department. The Supervisors stated, yes.

MINUTES:

There was a motion by Mr. Hart, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of August 15, 2007, and Special Meeting of September 4, 2007. Roll call vote: Mr. Hart – yes, Mr. Kauffman – 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 September 2007 in the amount of \$93,750.54 for the General Fund, \$18,156.82 for the Liquid Fuels Fund, and \$146,435.30 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

POLICE REPORTS:

The police reports as submitted by Chief Howard Jackson for the month of August 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 August 2007. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

George Knapp of Benson Borough asked how the rates were figured for the police to patrol the other municipalities, saying that he felt Benson Borough was paying more than Quemahoning Township and Stoystown Borough. Chairman Gindlesperger stated it was based on an hourly rate according to how many hours of service was provided by the Township's police. It was suggested that he check on how many hours of service was provided to Benson Borough.

Mr. Knapp also wanted to know why the residents living in Pine Crest Estates were not paying the same rates as everyone else for water and sewer, indicating that there were meters there. He wanted to know why they didn't pay a tap-in fee like everyone else. Chairman Gindlesperger noted that the meters belonged to Mr. McKool and the Township was not entitled to receive those readings. Mr. Knapp did not think this was fair. Chairman Gindlesperger stated that the Township did bill Mr. McKool for 166 EDU's for tap-ins.

Joseph Stevens of Stevens Lane wanted to know what was going to be done to resolve the missing \$1,100.00 for the roller—was any action going to be taken against anyone? Mr. Hart stated that the money was not missing. Chairman Gindlesperger stated he would look into this matter and have an answer at the next meeting.

Mr. Stevens stated he had talked to Mr. Kauffman already, but he would like a meeting with Mr. Gindlesperger and Mr. Hart about resolving his sewer issue. He noted that the Township had already spent \$2,500.00 of taxpayers' money on this issue. Mr. Stevens felt he was denied his due process. He also wanted to know who the attorney was that would be dealing with this matter. Chairman Gindlesperger stated he would discuss this situation with Mr. Stevens within the next two weeks for ½ hour. Mr. Hart said he would be available whenever Mr. Gindlesperger would be available.

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Mr. Stevens wanted to know who gave The EADS Group the figures on which to come up with the sewer rate increase. Mr. Hart stated he figured out the rate increase from information a spreadsheet that was given by The EADS Group. Mr. Stevens felt the rate increase was not justified and agreed with Mr. Mastillo that the rate could be decreased if the sewer department was run properly.

Cheri Yoder of Jerome agreed that Mr. McKool should be paying his tap-in fees, which would help reduce the sewer rate. Chairman Gindlesperger stated this was in litigation at this point.

Ms. Yoder wanted to know if the \$140,000 being paid to Randy Younkin to treat the sewer plants was justifiable; she did not believe that it was. Chairman Gindlesperger stated that he had worked in the municipal field for the past 25 years and it was a justifiable amount. Mr. Hart noted that a bid was received for these services, Mr. Younkin was low bidder, and he had not raised his rates in the past six years. Chairman Gindlesperger further stated that Mr. Younkin also pumped the sludge from the lagoons and pump stations, he fixed equipment, and did the testing—there was a lot involved. Mr. Younkin took care of all of that for the \$140,000. He stated a standard sewage operator receives approximately \$60,000 to \$70,000 per year in wages alone.

Ms. Yoder asked if any of the three Supervisors paid a sewage bill in Conemaugh Township. Mr. Kauffman answered that he did not, but he wished that he had sewage in his area, he would gladly pay. Mr. Hart answered, no, and he would like to have sewage as well. Chairman Gindlesperger stated he paid sewage through his rent.

Ms. Yoder stated she called the municipalities listed on the rate comparison sheet to ask them how they were keeping their rates so low. She only talked to one person from Forest Hills, who had stated it was because they had industrial customers. Tom Reilly of The EADS Group noted that Forest Hills also had received an approximate 40% grant for the capital cost of their project, and their average rate was approximately \$40.00 per month. Ms. Yoder also wanted to know why the Township's rates were based on 800 gallons. Chairman Gindlesperger again stated the Supervisors were reviewing the rates.

Ms. Yoder also wanted to know why the Township had two secretaries working full-time in the sewer department. She stated she had talked to Jackson Township and the secretary there dealt with 2,000 customers all by herself. Ms. Yoder felt money could be saved here. Chairman Gindlesperger stated that would be something to look at.

John Mastillo stated it was his understanding that a \$1,500.00 tap-in fee was figured for each trailer in Pine Crest Estates for the sewer project at its conception—there were 160 trailers, and obviously those tap-in fees were not paid. He felt if those fees would have been paid by Mr. McKool that would have decreased the amount that was needed to be borrowed for the sewer project by \$100,000.00. Mr. Hart stated that the Township's share of the project was \$900,000.00, which was generated by tap fees. Mr. Mastillo stated that the 160 trailers were not tapped in. Mr. Hart stated the Township paid the \$900,000.00 and was now looking to recoup that by the tap fees being paid. This was in litigation at this time with Mr. McKool. Mr. Mastillo stated that the Township had the right to put a lien against that property until the tap-in fees were paid. Mr. Hart noted the Township was aware of this, but that did not guarantee funds unless the property was sold. Mr. Mastillo then indicated that everyone could not pay their

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sewage bill and all the Township could do was put a lien on their properties.

Solicitor Beener wanted to be clear that when the engineers did the rate proposal it was assumed that all tap fees were paid, and a 3% delinquency per month was also assumed; the rate increase had nothing with Mr. McKool's bill not being paid; but that bill did have to be reimbursed to the Township.

Mr. Mastillo stated he took a look at the \$11,500 per month the Township was paying for Randy Younkin. He called Josh Kalp and asked him where he had gotten those figures, and Mr. Kalp had stated he had received them from the sewer department. Mr. Mastillo stated he took the sheet with the monthly expenses to the secretary in the sewer department and she informed him that the \$11,500 was added in twice, once as a monthly bill to the operator, and then it was divided out and added into the salaries, hospitalization, and insurance. Mr. Hart stated that was in correct and he had talked to the sewer secretary about that. There was some further discussion on what was paid in benefits for the sewer department and Mr. Hart's 25% reimbursable amount. It was noted that the hospitalization was just increased in July.

Mr. Mastillo also felt that the sewer fund should not be required to pay for liability insurance. He felt the sewer department was being "purged" because the Township's General Fund was not sustaining itself. Mr. Mastillo thought there was a shortfall of tax dollars because of the Police Department. He also felt that the sewer department should not have to pay for solicitor fees or engineering fees. Mr. Mastillo told the Supervisors to talk to their Secretary/Treasurer because he felt the General Fund was in a deficit of tax dollars and it was being made up through the sewer department.

Mr. Mastillo stated he was present at the Special Meeting this month which was to open bids for the new police cruisers in the amount of \$75,000. He said he overheard the Supervisors talking during their Executive Session, and he thought it sounded like they were caught by surprise because they had thought they had a grant for the cruisers for \$75,000. Chairman Gindlesperger informed Mr. Mastillo that the Executive Session was about personnel matters, not on the cruiser loan or anything like that. Mr. Mastillo asked if the Supervisors knew they were going to spend \$75,000 in the beginning of the year for three new police cruisers. Chairman Gindlesperger answered, yes, and some of that was to be grant money. It was stated that \$25,000 was received from Congressman Murtha's office, and Mr. Hart indicated he had just spoke to the landfill who had confirmed that they would be donating \$25,000 toward the cruisers. Mr. Mastillo stated that was not a grant from Murtha, it was "pork" money because in order for it to be a grant, the Supervisors would have had to sign off on it. He also stated that the Agreements with the other municipalities for police service had a 30 day clause at which time the Agreements could be terminated, and the Federal Government would not give a grant to police departments with short term agreements.

Mr. Mastillo asked if any of the three Supervisors sat down with the Chief to figure out the rates for the Purchase of Services Agreements for the police department. The answer was no, and Mr. Hart stated that it was all left up to Chief Jackson—he brought the rates to the Supervisors. Chairman Gindlesperger stated that the Supervisors were working on the police issues at this time, and that was all that could be said at this point. Mr. Mastillo stated it was costing the Township residents \$70.30/head for police service while the other municipalities served by the Township's police department were paying much less. He felt the Township residents were

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making up the difference.

Terry Ruparcic of the Conemaugh Township Volunteer Fire Company stated that his fire company paid \$500/week for rental of Greenhouse Park during their wing fling in July for a total of \$2,000. He stated they were to have sole use of the Park, but there was a rental in the Park on one day, which compromised things in different ways, especially liability. Mr. Ruparcic further stated that during the last day of the event, there were a lot of rocks at the Park that caused them to have to rearrange things. He was requesting from the Township a refund of \$1,000 for two nights rent at Greenhouse Park. Mr. Ruparcic further requested that from this date forward the Township let the fire companies rent Greenhouse Park for the cost of utilities only, noting that the Township did not give any financial support to the fire companies. Chairman Gindlesperger stated the Supervisors would look into these requests and have an answer by the next meeting.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **TRICK OR TREAT NIGHT:** There was a motion by Mr. Kauffman, seconded by Mr. Hart, to set trick or treat night in the Township for Wednesday, October 31, 2007 from 6:00 p.m. to 8:00 p.m. Roll call vote: Mr. Kauffman – yes, Mr. Hart – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

UPDATE SEWER PROJECTS:

Josh Kalp of The EADS Group reported that the Greenhouse Whitewater Park was about 40% complete. He also stated that the funding decision by PENNVEST for the Benscreek Sewer Project would be made on October 23, 2007.

ITEMS FOR DISCUSSION:

Solicitor Beener stated that the Township had received two bids for the financing of the three new police cruisers; the bids were unclear because the bid with the higher interest rate had a lower payment. He had asked the financing companies that had placed bids to clarify their bids. The difference was one company's quarterly payment was based on payment in advance and the other one was quarterly payments in arrears. Solicitor Beener noted that the Township's bid specifications required monthly payments in advance; therefore, the bid would remain awarded to Dollar Bank Leasing as was awarded at the Special Meeting of September 4, 2007.

Ruth Villa stated that her biggest problem with the Township was that there were too many junk cars and junk yards. She asked if the Township had an ordinance regulating this. She was answered, yes. Mrs. Villa requested that it be enforced.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, October 24, 2007 at 7:00 p.m.

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ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Hart, to adjourn the meeting at 8:36 p.m.

Submitted by,

David A. Hart, Secretary/Treasurer