

## MINUTES OF REGULAR MEETING OF MARCH 19, 2008

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:04 p.m. on March 19, 2008 by Vice-Chairman Wayne Kauffman. Board members present were Wayne Kauffman, Vice-Chairman, and Steven Buncich, Assistant Secretary/Treasurer. Calvin Gindlesperger, Chairman, was absent. Solicitor James Beener was present.

Pledge to the Flag.

At this time, Steve Buncich read the following statement:

“Over the past several weeks there have been several individuals who have been making repeated requests for public information. While they have phoned or visited almost daily, they have been making accusations about our staff that are unwarranted. Not only has this created a lot of unproductive time, it has created an unhealthy, stressful and extremely difficult atmosphere. I would like to make it clear that we will continue to provide any and all information that as a township we are required. However, if our staff continues to be ridiculed in this manner, we will be forced to amend our current office policies so we can do the work required for our taxpayers. I feel that since my term began in January we have been making great strides to heal old wounds and resolve old problems and move our township forward. It is our goal as township officials to continue this forward momentum.”

### FLOOR OPENED TO PUBLIC COMMENT:

**Ed Hart** of Rachel Avenue and a Board member of the Conemaugh Township Municipal Authority wished to comment on the letter on the Agenda from Sam Mazzaresse requesting to be appointed to the CTMA Board. He stated that when the Authority was “up for grabs” in 1998, Mr. Mazzaresse wanted it sold to Johnstown, and he did not think that the Supervisors would want someone like that on the Board.

**Sam Mazzaresse**, elected Township Auditor, wanted to rebut Mr. Buncich’s comment above. He stated that the only reason he was requesting records was so that the Township was run properly and legally; which it has not been for years. Mr. Mazzaresse asked Mr. Buncich and Mr. Kauffman if they read and understood the Township Code Book. They answered, yes. Mr. Mazzaresse asked them if they read and understood the Union Contract. They answered, yes. Mr. Mazzaresse asked them if they read and understood the minutes of the Auditors’ meetings. They answered, yes. Mr. Mazzaresse went on to say that all these years the Supervisors were cheating the Township residents and Mr. Hart was voted out to have change. He further indicated that during the three months that Mr. Buncich has been in office, nothing has changed. Mr. Mazzaresse also said that if Mr. Gindlesperger was present tonight, he would request him to resign.

**Pat Mulcahy** of CTMA thanked the Supervisors for their assistance in repairing the EMS water line leak

**Rich Maldet** of Fernwood Drive had questions about the letter on the Agenda from Laurel View Village concerning water and fire protection. Mr. Mulcahy of CTMA noted that this matter would be discussed on Monday at the CTMA Board meeting at 7:00 p.m.

### MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the minutes of the

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regular meeting of February 20, 2008. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to pay the bills for the month of March 2008 in the amount of \$58,123.30 for the General Fund, \$15,766.46 for the Liquid Fuels Fund, and \$123,228.07 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger - absent. Motion carried, one absent.

### **POLICE REPORTS:**

The police reports as submitted by Chief Louis Barclay for the month of February 2008 for the Conemaugh Township Police Department were read. It was noted that no patrols were made in Shade Township or Stoystown Borough for the month of February. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to accept the police reports as read for the month of February 2008. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

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

1. **Frank Burns**, candidate for State Representative, was present to introduce himself.
2. **Terry Ruparcic** of the Conemaugh Township Volunteer Fire Company wished to discuss the rate charged for their rental of Greenhouse Park for the Wing Fling, which was \$2,000.00 for four Saturday evenings. He was requesting that the Township charge all emergency entities a minimum of \$50.00/night. Mr. Buncich stated he agreed that something should be done about the rate charged to them. The Supervisors would be discussing this further and have an answer for the next meeting.

Mr. Ruparcic noted that he has seen a recent change in the Township, and that three months was not enough time to correct ten years of mismanagement.

3. **Sam Mazzaresse** stated that when the CTMA voted to buy water from Somerset it was at a cost of \$2.25 per 1,000 gallons, when they were getting it from Johnstown at \$1.25 per 1,000 gallons. He did not think that was fair.

Mr. Mazzaresse said he wanted to get to the legality of what the Supervisors were doing and read the following from the Auditor's Manual:

“When Supervisors are employed as roadmasters, laborers, secretary or treasurer their compensation is fixed by the Board of Auditors. The Auditors also approve mileage allowance to be paid to the Supervisors for their use of vehicles on Township business. The term compensation is interpreted to include all pay, any time off, including retirement benefits, sick leave and vacation. The rates should include provision for over time, if working over time is expected.”

Mr. Mazzaresse then read from the Auditors minutes from 2007:

“There was further discussion by Dean Glessner to give a 2% cost of living increase, which

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would make the salary of Roadmaster/Secretary/Treasurer at \$53,666.33. The motion was seconded by William Kerr and opposed by Sam Mazzaresse. Motion carried.”

Mr. Mazzaresse wanted to know who was looking out for the Township, stating that he did not think the Supervisors read the Auditors’ minutes like they said they did. He stated he had the Union Contract regarding paid holidays, sick and vacation days. Mr. Mazzaresse indicated he had called the Pennsylvania State Association of Townships in Harrisburg today and they had informed him that this Contract did not apply to the Roadmasters and he explained why by stating that Dave Hart had received 150 hours vacation in 2007, and 140 hours vacation in 2006, but he was only entitled to 40 hours. He further stated that Mr. Hart’s mileage sheets for 2006 were not detailed enough, and starting November 2006, there was no description at all on where he went, noting that in one month Mr. Hart turned in over 800 miles. Mr. Mazzaresse stated that the Supervisors were not doing their job—the Union Contract did not apply to roadmasters.

Mr. Buncich noted that he had not been a Supervisor last year—that was all done and paid for prior to him. Mr. Mazzaresse stated Mr. Kauffman and Mr. Gindlesperger were; and Mr. Gindlesperger decided not to come tonight to “face the music”. Mr. Mazzaresse said that Mr. Buncich was “on” himself and John Mastillo for getting records and “trying to hurt” him. He said they were not trying to “hurt” him, they were trying to have this Township run right, and he would like to know what changes Mr. Buncich had done so far.

Mr. Buncich said that the comment he read was not about public records or any information they were requesting, it was what was said to the employees. He felt, as a Supervisor and the leader of the employees, that the employees did not deserve to be ridiculed like they were...he heard comments that they did not care because they did not live in the Township, they did not pay taxes to the Township, and they did not care what was going on in the Township, and comments were also made that there have been illegal things done. Mr. Buncich felt it was not fair to the employees; they were not elected, he and Mr. Kauffman were and if they wanted to “beat us up, beat us up”, but do not “beat up” the employees.

Mr. Mazzaresse wanted it clear that they wanted Mr. Buncich and Mr. Kauffman to stay, but they wanted Mr. Gindlesperger to “get the hell out” because the residents were not getting a “fair shake in this Township”. He further stated he was “pretty damn mad that Steve was trying to say they were trying to cause trouble”, because he was here to have things run right.

Mr. Mazzaresse stated the following concerning Mr. Gindlesperger:

1. He was unavailable. On August 15, 2007 he admitted he worked 80-90 hours per week at his fulltime job. On August 15, 2007, he left halfway through a very important meeting to go to work. On December 19, 2007, Mr. Gindlesperger denied the citizens his cell phone number and said it was for work only, so if a resident had a problem, how would they get in touch with him.
2. As Chairman of the Board, Mr. Gindlesperger should have been involved with the police agreements offered to other municipalities. On September 19, 2007, it was acknowledged that none of the Supervisors took part.
3. Mr. Gindlesperger was responsible for the demotion of Pete Barclay to Patrolman and the back pay of nearly \$30,000 that the Township must now pay to Pete Barclay since he was

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reinstated as Chief of Police (October 24, 2007 meeting). Also, the taxpayers have to pay one-year salary and benefits to Howard Jackson for this mistake.

4. Mr. Gindlesperger's lack of time, presence, and poor decisions are proving tremendously costly to the citizens of the Township.

At this point, Mr. Mazzaresse passed out to everyone in attendance copies of Mr. Gindlesperger's W2's and time sheets, stating that in 2007 Mr. Gindlesperger was paid approximately \$3,500.00 for work he had done regarding police and budget matters. Mr. Mazzaresse stated that as a part-time roadmaster, Mr. Gindlesperger had no right to get paid for work that was not road related.

Joyce Graham noted that Mr. Gindlesperger had given out his pager and cell phone number at a Supervisors' meeting a few months ago—it was in the minutes.

Mr. Mazzaresse stated that Mr. Kauffman's W2 showed that he received \$42,734.51, but he was only entitled to \$19.80/hour for 2080 hours. Mr. Kauffman said he received pay for unused sick time, which has been past practice of the Township. Mr. Mazzaresse stated that he was not to receive pay for sick days—the Auditors did not grant the Roadmasters sick days, so he should not have been paid for them.

Mr. Buncich noted that it had to be established what the Auditors actually want, because at the Auditors meeting in January they set the Roadmasters' wages, the benefits were not mentioned. He stated that as long as he could remember, the Roadmasters followed the Union Contract that the employees had. Mr. Buncich informed Mr. Mazzaresse that if it was his wish as Auditor not to have the benefits for the Roadmasters follow that contract, then the Auditors need to establish what they want the Roadmasters to receive.

Mr. Mazzaresse stated Mr. Buncich had said he understood the Second Class Township Code Book, the Union Contract, and the Auditors' meeting minutes. Mr. Buncich stated that the Auditors' minutes do not mention benefits for the Roadmasters, and it was past practice for the Roadmasters to follow the Union Contract for benefits; so it was up to the Auditors to establish something. Mr. Mazzaresse said if it was not in the Auditors' minutes, the Roadmasters could not go by the Union Contract. Mr. Buncich noted that the Roadmasters had nothing else to go by, but past practice. Mr. Mazzaresse stated that according to the State Association of Townships, the Auditors could call a meeting to straighten this out.

Mr. Mazzaresse indicated that Mr. Gindlesperger had cost the Township at least \$100,000 and he should resign. He said he was not after Mr. Buncich or Mr. Kauffman, and the only reason he got the records was to show them that the Supervisors before them had done wrong. Mr. Mazzaresse said Mr. Buncich needed to quit giving excuses—he should know and admit that everything he has said was right and it was not good for the Township to have that attitude sitting on the Board because that meant he was not going to be looking for things right. He said he did not want to have to say these things to Mr. Buncich because he liked him and thought he was a good, honest man (Mr. Kauffman, too), but to defend the past Supervisors was inexcusable. Mr. Kauffman stated that was something they could work on.

Mr. Buncich stated that the Auditors could set what the Roadmasters got, and if they determined to change policy, that was their decision, and the Roadmasters would work by that.

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**John Mastillo** of Jerome said he felt guilty since he had received a copy of an ordinance pertaining to the sewer from Mr. Buncich and Darcy, and he wanted to know if that raised a problem. Mr. Buncich answered it did not; they were welcome to all public information, but there had been some things stated to the staff that he did not feel was fair. Mr. Mastillo asked if he could ask questions about finances of the Township of Cindy since she was the Secretary/Treasurer, and she should be able to answer his questions without “pawning” him off onto one of the Supervisors. Mr. Buncich answered there was not a problem with that, but further noting that the title of Secretary/Treasurer enables her to sign documents for the Township, it did not give her any more “clout”. Mr. Mastillo said it was not a matter of “clout”—the matter was if she was keeping the books and he had a question about finances, she should be able to answer his questions—was he wrong by asking her. Mr. Buncich answered, absolutely not, as long as the questions being asked were not pointed and derogatory remarks, adding that he was not saying Mr. Mastillo did that.

Mr. Mastillo felt that Mr. Mazzaresse was making a point, but did not think he was blaming Mr. Buncich and Mr. Kauffman. He stated that something needed to be done to rectify the problem, particularly if it was taxpayers’ money.

Mr. Mastillo said he had a copy of Ordinance 614 in which it was stated that a dwelling had to be within 150’ of a sewage line. He stated that Pine Crest Estates was behind \$280,000.00 in what they were supposed to be paying to the Sewer Department. Mr. Mastillo said that Section 3.04 of this Ordinance dealt with multiple connections and stated every dwelling was supposed to have a separate connection and if there was more than one dwelling, it had to be by written permission in order for this to happen. Mr. Mastillo said he had asked for a copy of the written permission for Pine Crest, and there was none.

Mr. Mastillo stated that if there was no written permission with Pine Crest he felt there was a violation of the Sunshine Law since a Supervisor took it upon himself to make an agreement with Pine Crest without it being brought to a public meeting.

Mr. Mastillo said a law suit was filed against Pine Crest on January 16, 2008, three months after everyone had been told the matter was in litigation. He questioned if this law suit could be won if there was not a written agreement regarding the sewer connection. Mr. Mastillo was upset because the sewer rates had gone up because of the Pine Crest matter. He felt the Supervisors should consider making a motion to charge Pine Crest what they should be paying. He said he understood they only pay \$3,700 per month out of the realistically \$5,000 per month that was not enough for 166 units either. Mr. Mastillo said the Supervisors should get a written agreement and if Pine Crest did not want to sign it, then there was something to stand on.

Mr. Mastillo further stated in regard to the proposed Phase II Sewer Project, he felt the Sewer Department’s monthly commitment would be approximately \$40,000, which would be approximately \$7,200 short each month, so the sewer rates would have to go up. Mr. Buncich said he had this discussion with him on the telephone and he was given answers. He stated that the engineers figured the amounts and included other factors. The Township’s auditing firm reviewed the project and agreed that the money had to be collected from Pine Crest in order for the project to work. Mr. Buncich also noted there were on-going engineering and solicitor fees that needed to be paid for this project regardless if it went through or not, and a loan would have to be taken out to pay these bills if the project did not go through. Mr. Buncich further indicated

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that a dewatering building needed to be built regardless that would take liquid sludge to turn into solids from the Tire Hill and Jerome STPs, and another loan would be needed to pay for that if the project did not go through. He said it was the job of the Supervisors to keep things in line. Mr. Mastillo said he was not against the project, but did anyone really “put a pen to things”? Mr. Buncich answered that many people did.

**Joe Marisa, Jr.** asked if Pine Crest Estates was charged for each EDU. Solicitor Beener answered that Pine Crest was submitted to DEP under Act 57. Tom Reilly of The EADS Group stated that there was a calculation procedure under Act 57 for multiple EDU customers, and it was designed as a single connection. It was noted that Pine Crest still owned all their sewer lines.

### **CORRESPONDENCE:**

1. A letter was received from Laurel View Village requesting upgrading fire protection services in Conemaugh Township. Mr. Buncich noted this letter did not just deal with water service, but also fire protection for the Township and the Supervisors were aware this needed to be resolved.
2. A letter was received from Sam Mazzaresse requesting to be appointed to the Conemaugh Township Municipal Authority Board.
3. A letter was received from Jerome Memorial Day Committee requesting a \$500.00 donation for the Jerome Memorial Day Services to be held on Monday, May 28, 2008. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to donate \$500.00 for the Jerome Memorial Day Services on Monday, May 28, 2008. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger - absent. Motion carried, one absent.

### **OLD BUSINESS:**

1. **APPOINTMENT TO THE CTMA BOARD:** There was a motion by Mr. Kauffman to appoint Charles Carrico to a five-year term on the Conemaugh Township Municipal Authority Board. Mr. Buncich stated before he seconded this motion, he wanted to say that the Supervisors had been told they were not doing their homework or research in this matter. The Supervisors had been in contact with the Johnstown Water Authority who urged them to continue the work with CTMA, and they recommended the Supervisors do not disrupt anything—things have been working fine with Greater Johnstown. The Township has been working well with CTMA as well and the Supervisors would like to keep it that way and move on, not open old wounds. Mr. Buncich said it was nothing against those others who had requested to be appointed to this position, but he was seconding the motion to appoint Mr. Carrico to the CTMA Board. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

### **NEW BUSINESS:**

1. **POLICE SERVICES AGREEMENT:** Mr. Buncich stated that Mr. Gindlesperger and Chief Barclay had met with Shade Township on Monday night and presented them with a preliminary figure the Supervisors felt was bottom line our Township had to receive to continue the police services agreement with them. Shade voiced their concern that was already too high,

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but for our Township, that was not even enough. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to discontinue the Police Services Agreement with Shade Township, effective immediately. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

Rich Maldet wished to state that Governor Rendell had money available to those municipalities that had trouble getting money together for their police services that they could apply for.

2. **2008 ROAD MATERIAL BIDS:** There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to advertise for bids for the Township's 2008 road material; bids to be opened at the April 16th meeting. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

3. **CONEMAUGH TOWNSHIP YOUTH LEAGUE:** Mr. Buncich noted this was an annual thing, and Solicitor Beener said it was okay to approve. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to grant permission to the Conemaugh Township Youth League to use the facilities at the Hollsopple ball field for the 2008 baseball season per their written request. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

4. **SALE OF 1992 CHEVROLET BLAZER:** Mr. Buncich noted this vehicle was an old police cruiser that had been used at the landfill—it had no license and was not able to be inspected; it was junk. Therefore, in order to avoid a situation that had occurred in the past with junk property owned by the Township, it would be advertised for sale. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to advertise for bids for the sale of a 1992 Chevrolet Blazer, to be sold as-is. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

5. **AS-BUILTS FOR DOVEY DEVELOPMENT:** Mr. Buncich stated that these lines were installed last year, were inspected by the Township, and everything seemed to be in order. Solicitor Beener had done some work with this as well. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to accept the transfer of the sanitary sewer lines for the Dovey plan of lots located in the Carpenters Park/Bloomfield Heights area, (re: division of Bloomfield Heights plan/plat book volume 27, page 48). Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

6. **SEMINAR APPROVAL:** There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to authorize Sgt. McKnight, Sgt. Zangaglia, and Patrolman Richards of the Township's Police Department to attend The Annual Spring Law Enforcement Seminar on March 27, 2008 at the Pennsylvania Highlands Community College for a cost of \$10.00 per officer. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

7. **SEMINAR APPROVAL:** There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to authorize Cindy Walerysiak to attend a seminar on The Open Records Act on April 8, 2008 at The Cottage Inn & Restaurant, Ebensburg for a cost of \$35.00. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

8. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on March 5, 2008. This plan is a revision to a minor

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subdivision that was approved in December 2007 by the Planning Commission & the Supervisors. The initial plan was not recorded. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the minor subdivision of John D. & Jean Ann Safko, owner & applicant, to create Lots Nos. 1 and 2 containing approximately 0.895 and 1.89 acres respectively from the parent Parcel S12-065-003-00, with a residue of 3.235 acres. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent

### **ENGINEER UPDATE:**

Josh Kalp of The EADS Group stated that Kukurin would try to complete restoration work for the Whitewater Park Project before the Canoe Club's Rendezvous, weather permitting.

Mr. Kalp further stated they were continuing work on permit renewal and rights-of-way for the Benscreek Phase II Sewer Project.

### **ITEMS FOR DISCUSSION:**

None.

At this point, Dean Glessner, elected Auditor, said he wanted to rebut some things stated by Sam Mazzaresse. He would be bringing copies of Auditors' minutes to the next meeting so he could discuss this further with Mr. Mazzaresse.

### **ANNOUNCEMENTS:**

1. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to send Steve Buncich to a free workshop sponsored by the Southern Alleghenies Planning & Development Commission titled "A Vision for the Future: How to Build a Competitive Community" on April 8, 2008 at the Ramada Inn, Altoona. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – absent. Motion carried, one absent.

2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, April 16, 2008 at 7:00 p.m.

### **ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adjourn the meeting at 7:57 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer