

## MINUTES OF REGULAR MEETING OF APRIL 16, 2008

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:04 p.m. on April 16, 2008 by Chairman Calvin Gindlesperger. Board members present were Calvin Gindlesperger, Chairman, Wayne Kauffman, Vice-Chairman, and Steven Buncich, Assistant Secretary/Treasurer. Solicitor James Beener was present.

Pledge to the Flag.

### FLOOR OPENED TO PUBLIC COMMENT:

**Terry Ruparcic** of Krings Street stated that at last month's meeting he had said that he had seen a recent change in the Township, and that three months was not enough time to correct ten years of mismanagement. He wanted to correct that statement to five years of mismanagement.

**Pat Mulcahy** of 203 N. Main Street noted that the Conemaugh Township Municipal Authority would be flushing fire hydrants, and the Township staff would be using hydrant water to clean the streets, therefore if residents had dirty water it could be due to this for the next six weeks. He further stated that if anyone had any problems lasting more than one day, to let the Authority know.

**Ginger Graham** of Lost Valley Road wished to thank the Supervisors for their letter of appreciation to Nick Panasci and for their attendance at the dinner for Nick.

**Joyce Graham** of Lost Valley Road asked how the police department came up with shifts for the police officers, indicating that she understood the full-time police were scheduled first with 40 hours, but she wanted to know how the rest were scheduled for shifts.

Mr. Buncich answered that this was discussed with Chief Barclay who had enacted a scheduling policy in 2003, but after his deployment changes were made to this policy and he was currently reviewing it.

Ms. Graham also stated that there were three employees working in the police office who were paid a total of \$100,097.00 a year, which did not make sense. It was noted that Chief Barclay did not patrol, the front office police officer was part-time, and the police secretary worked ½ day in the police and the other ½ day in the Township office. Mr. Buncich noted that Chief Barclay was to be present tonight to answer these questions, but had not arrived yet.

**Rich Maldet** of Fernwood Drive asked how many police officers there were. Chairman Gindlesperger answered there were six full-time and eleven part-time officers. Mr. Maldet felt that was too many officers. Mr. Buncich noted that some of the part-time officers do not work very many hours, and some do not work at all. It was also noted that the part-time officers received no benefits and were only paid when they worked. Mr. Maldet still felt there were too many officers.

### MINUTES:

There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of March 19, 2008. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

## **MINUTES OF APRIL 16, 2008 MEETING CONTINUED.**

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to pay the bills for the month of April 2008 in the amount of \$104,648.46 for the General Fund, \$40,381.41 for the Liquid Fuels Fund, and \$45,051.26 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger - yes. Motion carried unanimously.

### **POLICE REPORTS:**

The police report as submitted by Chief Louis Barclay for the month of March 2008 for the Conemaugh Township Police Department was available for review. Total reported incidents were 311. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the police reports as submitted for the month of March 2008. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

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

1. **Sam Mazzaresse**, elected auditor, wanted to apologize to the Supervisors and the audience for last month's meeting, stating that he did not show respect. He stated he was accused of being too forward on obtaining information on pay scales, noting that Calvin Gindlesperger over charged the Township approximately \$3,480.00 and he hoped Mr. Gindlesperger resigned because he was a detriment to the Township. Mr. Mazzaresse further stated that the other two Supervisors took vacation time that they were not entitled to, which shorted the Township approximately \$15,000.00. He said a new Supervisor was elected and a change was expected; and he was passing this information into the hands of the Solicitor to collect this money owed to the Township. Mr. Mazzaresse stated that the Supervisors were elected to run a good, clean Township, and he wanted to see the Township run like it was before 2005.

At this point, Chairman Gindlesperger read an excerpt from Section 606 (a) of the Township Code Book for Second Class Townships as follows: "The compensation of supervisors, when employed as roadmasters, laborers, secretary, treasurer, assistant secretary, assistant treasurer or in any employee capacity not otherwise prohibited by this or any other act shall be determined by the board of auditors, at an hourly, daily, weekly, semi-monthly or monthly basis, which shall be comparable to compensation paid in the locality for similar services."

Mr. Mazzaresse stated that was what the auditors did, but the roadmasters did not abide by it. He further stated that Mr. Gindlesperger was not in the Township "two hours out of twenty-four". Chairman Gindlesperger asked if the eight hour days put in by the roadmasters was 100% roadmaster, then who was going to run the sewer department. He also noted that the wage set by the auditors for part-time roadmaster was \$12.44/hour.

2. **Joe Stevens**, of 126 Stevens Lane, stated that he had in his hands a petition asking for the resignation of Calvin Gindlesperger, which was signed by many influential people. He further stated that Mr. Gindlesperger was an absentee Supervisor and did not have a "bit of interest in the Township". Mr. Stevens indicated that there were more petitions. He also mentioned that Chairman Gindlesperger and Mr. Kauffman had stated they had nothing to do with Pine Crest Estates sewer matter, and he wanted to know how they could let one Supervisor "run the Township into the ground". Mr. Stevens felt the Pine Crest matter was illegal and unethical. He further stated that Mr. Kauffman had said he had nothing to do with the purchase of the new truck for the Sewer Department, but his signature was on the checks for the purchase of this

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truck. Mr. Stevens asked when the purchase of this truck was approved at a meeting of the Board. Mr. Kauffman replied that it was not. Chairman Gindlesperger stated that since this truck was purchased through the "State Piggy Back Program" it did not have to be approved at a meeting. Mr. Stevens stated that the truck was paid for from the Sewer Fund and sewer rates were raised in order to cover the sewer project. He wanted to know why the rates were raised since he found that there was an average of \$60,000.00 in the Sewer Fund checking account for the last two years, and Mr. Gindlesperger had stated that the Sewer Fund was "running in the red".....which was not true. Chairman Gindlesperger stated that if the Sewer Department was to do all the mandated projects by DEP, they would be in the red. Mr. Stevens wanted to know when Mr. Gindlesperger was going to sit down and explain that to him.....and how did Pine Crest get a "free ride". Solicitor Beener noted that the Pine Crest matter was currently in litigation. Mr. Stevens asked what Pine Crest was paying monthly for sewer. Darcy Yoder of the Sewer Department answered that Pine Crest was billed \$5,000.00 a month, but only paid \$3,800.00 a month. Mr. Stevens wanted Pine Crest's "line plugged".

Mr. Stevens requested that Mr. Buncich call the Ethics Commission to have them investigate and justify all expenditures for the last four years. Mr. Buncich informed Mr. Stevens that he already had that discussion and it would be a very costly thing to do. Mr. Stevens asked if Mr. Buncich was willing to do it. Mr. Buncich stated that it would not be an overnight project. Mr. Stevens stated that he got the impression that Mr. Buncich was no longer "turning any rocks over". He said he had asked over and over again about the inventory list. Mr. Buncich asked Mr. Stevens if he wanted an incomplete list or a complete list; that was what was taking time. He further stated that this went back to his time in the office, which was not roadmaster; he did not get paid to do that; and he would have to come in at night after he worked eight hours and work another eight hours. Mr. Stevens told Mr. Buncich if he was not willing to do what needed to be done, then he should step aside along with Mr. Gindlesperger. Chairman Gindlesperger stated that this just answered everyone's question. He said he charged the Township the \$3,400.00 for the time he spent over what he was paid for, and Mr. Buncich just admitted he did not spend all eight hours just on roadmaster duties every day, but he still was paid for it. Mr. Stevens made some derogatory remarks against Mr. Gindlesperger at this point.

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. **RESOLUTION R02-08:** There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to adopt Resolution R02-08 which stated that because of the volume of work required from the Conemaugh Township Supervisors at the present time, including the strict timelines for the Benscreek sanitary sewer project and the need to close the \$12,711,384.00 PennVEST loan, plus a grant in the amount of \$2,688,616.00 for a total funding offer of \$15,400,000.00 with the requirement to obtain over 700 rights-of-way, the Township retains Bill Barbin for the hourly rate of \$95.00 as special conflicts counsel for such other work as the Supervisors shall direct from time to time. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

**MINUTES OF APRIL 16, 2008 MEETING CONTINUED.**

2. **OPEN BIDS FOR 2008 ROAD MATERIALS:** Chairman Gindlesperger opened the following bids received for road materials:

**Road Materials (Delivered):**

Bids were received from New Enterprise (NE) and Homer R. Sleek & Sons (SL) as follows:

#8 Limestone (or) Anti-Skid Limestone Equivalent	NE – 17.05/ton	SL – 16.70/ton
Type 2 Slag – Anti-Skid – Limestone Only	NE – No Bid	SL – 13.80/ton
#57 Stone – Limestone Only	NE – 14.80/ton	SL – 14.55/ton
2A Stone – Limestone Only	NE – 11.80/ton	SL – 13.05/ton
2RC Stone – Limestone Only	NE – 11.55/ton	SL – 12.55/ton

**Road Paving/Sealing Materials (FOB at Plant):**

Bids were received from New Enterprise (NE), HRI, Inc., and Quaker Sales (QS) as follows:

ID-2 Wearing Course or 9.5 mm	NE – 56.20/ton	HRI – 53.50/ton	QS – 54.50/ton
BC-BC Base Course or 25 mm	NE – 47.30/ton	HRI – 43.00/ton	QS – 45.50/ton

**Cold Patch (FOB at Plant):** Bids received were as follows:

New Enterprise	56.80/ton
HRI	58.00/ton
Quaker Sales	56.00/ton

The Supervisors tabled awarding the bids received for Road Paving/Sealing Materials (FOB at Plant) and Cold Patch (FOB at Plant) until the May 21, 2008 board meeting.

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to award the following bids:

**Road Materials (Delivered) to Homer R. Sleek & Sons for:**

#8 Limestone (or) Anti-Skid Limestone Equivalent	– 16.70/ton
Type 2 Slag – Anti-Skid – Limestone Only	– 13.80/ton
#57 Stone – Limestone Only	– 14.55/ton

**Road Materials (Delivered) to New Enterprise Stone & Lime for:**

2A Stone – Limestone Only	– 11.80/ton
2RC Stone – Limestone Only	– 11.55/ton

Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

3. **OPEN BIDS FOR SALE OF 1992 BLAZER:** Bids received for the sale of a 1992 Blazer were as follows: Sonny Kerr - \$150.00; Robert Shroyer - \$76.99. Chairman Gindlesperger stated that the Township could receive at least \$350.00 for this vehicle if it were to be sold as scrap, therefore, there was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to reject the bids received for the sale of a 1992 Chevrolet Blazer, and to sell this vehicle for scrap with the money received being deposited into the General Fund. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **2008 CDBG ENTITLEMENT APPLICATION COOPERATION AGREEMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to authorize signing the Cooperation Agreement between the County of Somerset, Conemaugh Township Supervisors, and the Redevelopment Authority of Somerset County for the Township's 2008 CDBG Entitlement. Mr. Buncich noted that these funds would be used to assist low to moderate income

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residents with sewer tap fees. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **SALE OF EXCESS POLICE CRUISERS & POLICE EQUIPMENT:** There was motion by Mr. Kauffman, seconded by Mr. Buncich, to advertise for bids for the sale of excess police cruisers and police equipment. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

6. **SALE OF EXCESS TOWNSHIP EQUIPMENT:** There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to advertise for bids for the sale of excess Township equipment. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

7. **POLICE SERVICES AGREEMENT:** Chairman Gindlesperger read a letter composed by Chief Barclay to Stoystown Borough stating that the Township could not provide the type of police coverage or response to Stoystown that was previously provided for the contracted price they had been paying. The letter further stated that if Stoystown would like to discuss this matter, they should contact the police department. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to send the above-mentioned letter to Stoystown Borough concerning the police services agreement with the Conemaugh Township Police Department. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

8. **COMPUTER MAINTENANCE AGREEMENT:** There was a motion by Mr. Gindlesperger, seconded by Mr. Kauffman, to approve a one-year computer maintenance agreement with CBM Business Machines in the amount of \$395.00 for five hours of service. Roll call vote: Mr. Gindlesperger – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

### **ENGINEER UPDATE:**

Josh Kalp of the EADS Group reported that the warranty work for the Phase I sanitary sewer project was done today by Galloway Bay.

Mr. Kalp stated that the contractors would be returning to complete restoration on the Whitewater Park Project.

Mr. Kalp stated that they were continuing work on the rights-of-way for the Phase II sanitary sewer project. Chairman Gindlesperger asked how close they were to being completed. Solicitor Beener answered that the Township was conducting public rights-of-way meetings by areas and the response had been limited; but they were also visiting homes. He further stated there was a long way to go yet.

At this point, Chief Barclay was asked to address the questions raised by Joyce Graham. Regarding the scheduling policy, Chief Barclay stated that the original policy was approved prior to his deployment and it gave equal shifts according to availability of the officer, but this policy has since been amended. He said he was looking into amending the policy by the next meeting.

Regarding the administrative salaries, Ms. Graham wanted to know what Chief Barclay, Brad, and Colette did for \$100,000 a year. Chief Barclay answered that the Police Department was

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very busy—this Township was not small and had many issues to handle. He further stated that Brad was the most qualified, experienced, and educated front desk person he ever had. Chief Barclay said he himself did administrative work such as compiling reports, scheduling, evidence logging, etc.....the list was too long. Ms. Graham stated she did not understand what the Chief did, Colette did the administrative work. Chief Barclay responded that Colette did not do administrative work. Ms. Graham further stated that Brad “just sat there”, and Chief Barclay wanted to know how she knew what Brad did. Ms. Graham questioned the hours that they worked. She was reminded that Brad was part-time, and Chief Barclay and Colette work 8 to 4. Ms. Graham said she was at the Police Department prior to 4:00 and the Chief had already gone. Chief Barclay noted that he did have sick and vacation time. Ms. Graham made further comments and Chief Barclay stated he was not going to argue with her in front of the public and press.

At this point, Mr. Buncich stated that he was sure everyone at their place of employment could have someone scrutinize them, but it was up to the Supervisors and the Chief to schedule the police officers, road crew, and secretaries as they felt was needed.

### **ITEMS FOR DISCUSSION:**

Chairman Gindlesperger stated he had just handed the Supervisors his letter of resignation from the Board of Supervisors effective April 17, 2008. He stated that his resignation was for personal reasons and on the advice of his attorney. Chairman Gindlesperger wished to note that when he took office in January 2004 the cash on hand was \$240,000.00 and the cash on hand January 2008 was \$595,000.00, indicating that there was \$250,000.00 more than there was in 2004. He said it took three Supervisors to save this money, and they did it even with the landfill tipping fees cut in third and the cost of everything going up. Chairman Gindlesperger stated that was all he would say on the advice of his attorney and he appreciated all who thought he did a good job.

### **ANNOUNCEMENTS:**

1. The Township Offices will be closed April 22<sup>nd</sup> for Election Day, but the Road Crew will be working that day for Spring Clean Up. They will be taking off April 28<sup>th</sup> instead.
2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, May 21, 2008 at 7:00 p.m.

At this point, there was a motion by Mr. Buncich, seconded by Mr. Kauffman, to advertise for applicants to fill the vacancy on the Conemaugh Township Board of Supervisors. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **ADJOURNMENT:**

There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to adjourn the meeting at 8:00 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer