

## MINUTES OF REGULAR MEETING OF JANUARY 16, 2008

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:05 p.m. on January 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.

At this time, Solicitor Beener gave a brief report concerning the sale of a Township roller for junk, stating that since the December meeting the Supervisors had made additional inquiries into the matter and additional information was expected from the junk yard. The Township was calling upon any person or Township employee who might have information concerning this allegation to come forward and report that information at the earliest possible opportunity. Solicitor Beener stated that the Township intended to pursue this matter to determine what may have occurred and how the funds were handled.

Chairman Gindlesperger wished to clarify a statement he had made at the December meeting that may have been taken out of context. He stated that the Supervisors did not know a time line regarding the roller issue, and he had made the statement that it could have occurred before his time. Chairman Gindlesperger said he did not mean to make a statement like that to offend any of the past Supervisors and he apologized for it, reiterating that there was not a known time line.

### FLOOR OPENED TO PUBLIC COMMENT:

**Joe Stevens** of Stevens Lane stated he was directing his statement to Chairman Gindlesperger, indicating that he, as a taxpayer, was tired of the dishonesty and lying that has gone on since Mr. Gindlesperger had become Chairman. Mr. Stevens said he was very concerned about being “ripped” off as a taxpayer and consumer, paying a sewer bill, and there were many things Chairman Gindlesperger had been dishonest with and lied about. At this point, Solicitor Beener cautioned Mr. Stevens before he said that again, noting that this was a public meeting....he was cautioning him to be really careful with what he was saying. Mr. Stevens again stated that Chairman Gindlesperger had lied to him and had been dishonest with him and the taxpayers and he was calling for his resignation. Chairman Gindlesperger said he would speak with Mr. Stevens after the meeting.

**Denise Todero** of Jerome wished to state that the Supervisors had made a statement regarding the “missing” roller at the December meeting, and she felt the Supervisors had followed up on what they said they would and it was sufficiently handled—the matter should be dropped. Mr. Buncich noted that the Supervisors were not dropping this matter and will find out what did happen.

**Dan Griffith** of Somerset Pike stated he was the one who brought up the roller issue at the last meeting and he thanked the Supervisors for their diligence.

**Mark Blasko**, Conemaugh Township Municipal Authority Board, said he would appreciate the Supervisors reappointing Charles Carrico to another five-year term on their Board. He further stated he was looking forward to working with the new Supervisors’ Board.

**Alice Trinder** of Jerome asked what was done with stray dogs since the Township did not have

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a dog catcher. Chief Barclay informed her that residents could either call the police non-emergency number or the police office to report a stray dog. The police will then try to catch the dog and it would be taken to the humane society in either Somerset or Cambria County.

### **MINUTES:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to accept the minutes of the regular meeting of December 19, 2007, and reorganization meeting of January 7, 2008. Mr. Buncich noted that he was not on the Board for the December 19<sup>th</sup> meeting minutes. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to pay the bills for the month of January 2008 in the amount of \$92,856.47 for the General Fund, \$11,225.78 for the Liquid Fuels Fund, and \$22,214.21 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **POLICE REPORTS:**

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

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

1. **Jeff Bunk**, President of the Conemaugh Township Fire Company, said that they had requested a partial refund for last year's rental of Greenhouse Park and had received that. They were requesting a rental fee adjustment for 2008. Chairman Gindlesperger stated that the Supervisors will look into this further—Mr. Buncich had just started on the Board. Mr. Buncich noted that a policy needed to be established for everyone to follow on this.

Mr. Bunk also discussed the need for additional funding for the fire companies, indicating that he felt it was unfair to raise taxes to support them. He suggested that the Supervisors pass an ordinance establishing a fee per household for the fire companies, or perhaps enact the EMS tax. Mr. Bunk went on to say what services the fire companies provide for the community, how important financial support was, and that their ISO rating could be affected. Chairman Gindlesperger noted that many people may not be aware that the Township did already support the fire companies by paying for their vehicle insurance, which was very costly. Mr. Bunk reiterated that they needed more help. Mr. Buncich stated that this was on the list of items to work on.

2. **Joe Stevens** of Stevens Lane wished to state that he respectfully disagreed with the lady who said the roller issue should not be talked about anymore. He said he came into the December meeting late, so he was not in on the discussion concerning the roller, but it was his understanding that the \$1,100.00 was taken by Township employees and put into a “slush” fund to pay for coffee breaks or parties, etc.

Mr. Stevens proceeded to “refresh everyone’s memories” on what had transpired to-date. He

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stated he had first brought this to the attention of the Supervisors on June 20, 2007—he had been informed of a possible theft of money, but he was not going into detail on that—it was in the minutes if anyone wanted to read it. Mr. Stevens stated that on June 20, 2007 he asked a question and Mr. Hart asked if he wanted an answer now, and Mr. Stevens had said the answer would be a simple yes or no. Mr. Stevens said that Mr. Hart had stated the answer was no, it was not true. Mr. Stevens said on July 18, 2007, he brought up the missing roller again, and Mr. Hart said it would be answered at the next meeting. Mr. Stevens stated that on August 15, 2007, the answer Mr. Hart gave was that the roller was taken to the scrap yard, it brought \$1,100.00, which was deposited into the General Fund; that there was no theft and it would show up on a deposit slip. Mr. Stevens stated he did not take Mr. Hart's word and reviewed the records in the Township Office. He said he found no receipt for the \$1,100.00; there was no deposit into the General Fund for that amount. Mr. Stevens stated that while searching the Township records that were given to him by the Assistant Secretary/Treasurer, there was an additional \$924.00 that was entered into the records with no receipt of the item being sold, and no deposit into the checking account. Mr. Stevens noted that he could be wrong on some of these, but this needed to be ironed out and an understanding was needed on this. He stated there were also an \$800.00 and a \$24.00 item in there.

Mr. Stevens stated that at the October meeting Chairman Gindlesperger said he would have a report on the roller issue for the November meeting—he was looking into the matter. Mr. Stevens said that on November 21, 2007, there was nothing said about the roller. He said in December 2007, it was discovered that the roller had been taken to the scrap yard and a check was made out to an employee—he was told—and the money was deposited in “what they termed Al Zuccolotto setting up a slush fund”. Mr. Stevens said he wished Al was here tonight so Calvin as Chairman could ask Al whether they set up a “slush” fund. Mr. Stevens said “to think about it—a slush fund for the employees to have a party—how much lunch meat would that buy, how much bread or soda would that buy for eight to ten employees? Think about how stupid that remark was. Now we discover there was no slush fund. I was told by Al himself there was no slush fund.” Mr. Stevens again stated he wished Al was here tonight to defend himself. He said, Al said they did have some parties, but they were set up that all the employees kicked in for them.

Mr. Stevens thought there was a gigantic cover up of a theft of taxpayer money and he wanted it resolved. He felt anyone involved in covering this up, if they were an employee of the Township, should be fired. At this point, Solicitor Beener asked Mr. Stevens if he had heard his opening statement. Mr. Stevens answered, yes, he did. He said he wanted everyone in the room to be brought up to speed on what transpired because he was probably the person pushing this item with the roller and he felt “there is something rotten here in Conemaugh Township and it doesn't need to fester no more, it needs to be rooted out and resolved.”

Mr. Buncich stated that everyone on the Board agreed. He said the Supervisors talked to the Solicitor yesterday and had directed him to take this to where ever it had to go to resolution, no matter who was implicated, past Boards or employees, the Supervisors wanted answers once and for all. Mr. Buncich promised this would come to resolution.

Mr. Stevens said his question was why had it taken six months; was every issue that came before the Supervisors going to take six months or longer to resolve? Chairman Gindlesperger stated this started two months ago. Mr. Stevens said he brought the matter up back in June 2007, not

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two months ago. Mr. Stevens said, “The problem here, Calvin, and I’m directing this remark directly to you, since you have been elected to the Supervisors’ office.....” At this point, Chairman Gindlesperger cautioned Mr. Stevens to be careful. Mr. Steven said, “No, I’m going to state the facts. You have been an absentee Supervisor. You turn over control to Dave Hart and Dave Hart has made decisions, and you have admitted this, and Wayne has admitted to this—that you knew nothing about the roller.” Chairman Gindlesperger informed Mr. Stevens that he had one more minute left of a five-minute time limit, and he would be told to stop.

Mr. Stevens began to talk about the sewer, and Chairman Gindlesperger reminded him again that he had one minute. Mr. Stevens asked if he did not have time to present what he had on the sewer. Chairman Gindlesperger informed him that he had one minute and that minute was almost up. Mr. Stevens said, “here again you have been lying about that. I’ve investigated the last 21 months of the sewer’s monthly bills. There has been an average of \$59,000.00 left over after the bills are paid each month.” At this time, Chairman Gindlesperger informed Mr. Stevens his time was up. Mr. Stevens said, “You are being unfair to me, Calvin, because you are on the hot spot and you can’t get off.” Chairman Gindlesperger reiterated to Mr. Stevens that his time was up. Mr. Stevens said, “You are cheating the people in Conemaugh Township on the sewer and their taxes.” Again, Chairman Gindlesperger told Mr. Stevens his time was up and to please sit down. Mr. Stevens stated he was going to be on the Agenda for next month’s meeting and he would talk about the sewer. He said, “You are being unfair and that’s totally uncalled for.”

### **CORRESPONDENCE:**

1. Chairman Gindlesperger read a letter received from David Maldet requesting to be appointed to the Conemaugh Township Zoning Hearing Board. There was a motion by Mr. Kauffman, seconded by Mr. Gindlesperger, to appoint David Maldet to a three-year term on the Conemaugh Township Zoning Hearing Board. Roll call vote: Mr. Kauffman – yes, Mr. Gindlesperger – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. Tim Paugh had sent an e-mail asking to be considered for appointment to the Conemaugh Township Recreation Commission. This will be placed on hold until the next meeting. Mr. Buncich stated that the Recreation Commission had sent a letter to Township residents asking for volunteers for the Commission and the Supervisors will wait until all the responses were in and reviewed by the Commission.

3. Chairman Gindlesperger stated a letter was received from Fred Moyer of Indian Valley Estates requesting an ordinance on weight limits to regulate commercial vehicles parking on the Township streets within that development. There were currently no weight limits for those streets. Solicitor Beener stated the Township’s traffic ordinance could be reviewed and this could be added to that comprehensive ordinance. Jeff Bunk noted that he lived in Indian Valley Estates and stated there was a covenant regarding parking commercial vehicles on those streets—this was in their deeds and would be filed at the Somerset County Court House. The Supervisors were unaware of that covenant. Chief Barclay stated that this would then be a private situation. Mr. Bunk stated this would have been filed prior to the Township taking over those roads. Solicitor Beener said he would get a copy tomorrow.

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### **OLD BUSINESS:**

1. **UPDATE ON AGREEMENT WITH CHIEF BARCLAY:** Chairman Gindlesperger announced that a three-year agreement had been signed between the Township and Chief Barclay, and the EE0C had been taken care of also. He thanked Chief Barclay and Chief Barclay thanked the Supervisors.
2. **APPOINTMENT TO THE CTMA BOARD:** Mr. Charles Carrico was up for re-appointment to a five-year term on the Conemaugh Township Municipal Authority Board. Mr. Buncich stated he was hesitating to reappoint Mr. Carrico because he had never been lobbied more than he was in the past two weeks to reappoint Mr. Carrico by other people, but not by Mr. Carrico himself. He further indicated that the Authority had tried to have Mr. Carrico appointed in November 2007, and he was concerned about being "railroaded". Mr. Blasko of the Authority stated the Authority had sent a letter early notifying the Supervisors of Mr. Carrico's reappointment for the Supervisors' reorganization meeting in January 2008, and it was not intended to be taken as Mr. Buncich had stated. Mr. Blasko further noted that Mr. Carrico was not the type of person to approach the Supervisors on this. The Supervisors tabled the reappointment of Mr. Carrico to the next Supervisors' meeting.

### **NEW BUSINESS:**

1. **RESOLUTION R01-08:** Chairman Gindlesperger stated this Resolution would revise the Township fees charged for zoning and building code application and permit fees, certificates of occupancy, zoning land uses, zoning hearing board matters, subdivision/land development application fees, driveway permits, road opening/occupancy permits, and copies of zoning/subdivision/stormwater ordinance booklets. Mr. Buncich noted that these fees assessed were now set to cover all inspections and reviews that needed to be done, along with administration costs, so that the Township was not losing money enforcing the mandated Pennsylvania Uniform Construction Code. There was a motion by Mr. Buncich, seconded by Mr. Kauffman, to adopt Resolution R01-08 amending the Township's fee schedule. Roll call vote: Mr. Buncich – yes, Mr. Kauffman – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.
2. **SEXUAL HARASSMENT POLICY:** Solicitor Beener stated that this policy was requested by the Township's insurance carrier and he wrote the policy. There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adopt a Sexual Harassment Policy as required by the Township's insurance carrier. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

Chairman Gindlesperger noted that a copy of this Policy should be handed to each employee and they should sign that they received it.

3. **MINOR SUBDIVISION:** This subdivision plan was approved by the Conemaugh Township Planning Commission on January 8, 2008 contingent upon receipt of a Non-Building Waiver signed by the Township's Sewage Enforcement Officer, and receipt of favorable comment from the Somerset County Planning Commission. Both items have been received. Solicitor Beener stated this was okay to approve.

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to approve the minor subdivision of James Babish, applicant, and Richard Orris II, owner, to create Lot No. 1A

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containing approximately 2.335 acres from parent Parcel S12-002-015 (assessed in Conemaugh Twp., Somerset County) with a residue of approximately 41.010 acres, being owned by Richard E. Orris, and subsequently merging Lot No. 1A with Lot No. 2 consisting of Parcel 62-003-158, Parcel 62-003-159 and Parcel 62-003-175 (assessed in Upper Yoder Twp., Cambria County), being owned by James A. Babish, thus increasing the size of Lot No. 2 to approximately 8.803 acres. Lot 1A is proposed as a Non-Building Lot. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Gindlesperger – yes. Motion carried unanimously.

### **ENGINEER UPDATE:**

Josh Kalp of The EADS Group stated that construction of Whitewater Park is completed and the contractor would return in the spring to complete restoration work. He noted that PENNVEST would make their decision on the Township's application for funding for the Phase II Sanitary Sewer Project next Tuesday, January 22, 2008. Mr. Kalp further stated he had reviewed the stormwater management for the new land development plan for Laurel View Village.

### **ITEMS FOR DISCUSSION:**

1. Chairman Gindlesperger stated that currently there were approximately 100 sewer customers that were unmetered because they did not have water and there was no way to obtain their actual consumption. He noted that the rate used to be based on occupancy of the home, but presently the average was taken of a typical family usage and a flat rate of \$45.00 was charged. Chairman Gindlesperger said that in order to make things fair on unmetered sources, the Supervisors were going to take fees in those cases back to the original rates based on occupancy to see what rate should be assessed. He stated there would be an answer on this at the next meeting. Elsie Turous thanked the Supervisors for looking into this matter.

### **ANNOUNCEMENTS:**

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, February 20, 2008 at 7:00 p.m.

### **ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to adjourn the meeting at 7:46 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer