

## **MINUTES OF REGULAR MEETING OF DECEMBER 16, 2009**

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on December 16, 2009 by Chairman Steven Buncich. Board members present were Steven Buncich, Chairman, Wayne Kauffman, Vice-Chairman, and Albert Zuccolotto, Assistant Secretary/Treasurer. Solicitor William Barbin was absent, but was represented by Solicitor Andrew Gleason.

Pledge to the Flag.

### **FLOOR OPENED TO PUBLIC COMMENT:**

**Joseph Stevens**, of Stevens Lane asked if the 2010 budget was open for public inspection. Chairman Buncich stated that the budget had been open for public inspection since the last meeting and tonight would be the final adoption of the 2010 budget. The budget would be available to the public.

### **NOTIFICATION OF EXECUTIVE SESSSION:**

The Supervisors met on December 3rd with Walsh Equipment on new truck specifications.

### **MINUTES:**

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of November 18, 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

### **BILLS:**

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to pay the bills for the month of December 2009 in the amount of \$91,121.95 for the General Fund, \$16,669.67 for the Liquid Fuels Fund, \$83,468.62 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

### **POLICE REPORTS:**

The police report as submitted by Chief Louis Barclay for the month of November 2009 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 192. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the police report as submitted for the month of November 2009. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

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

None.

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS:**

None.

## MINUTES OF DECEMBER 16, 2009 MEETING CONTINUED.

### NEW BUSINESS:

1. **2010 FINAL BUDGET:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the final 2010 Budget for Conemaugh Township with no tax increases as follows: General Fund 01 - \$2,413,887; Street Light Fund 02 - \$29,074; Fire Protection Fund 03 - \$127,068; Sewer Fund 08 - \$1,593,614.00; and Liquid Fuels Fund 35 - \$486,773. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. **OPEN BID(S) FOR 2010 GASOLINE & DIESEL FUEL:** Chairman Buncich opened the only bid received, which was from The Lockard Company (Pacific Pride) of Indiana, PA. Their bid for regular unleaded gasoline used the OPIS Altoona Average as of 12/11/09 at 1.91626, plus a firm add-on cost of .14 with the net bid being 2.05626 per gallon. Their bid for diesel fuel used the OPIS Altoona Average as of 12/11/09 at 1.94666, with the addition of .0285/gallon from November 15 to March 15 for winterization, plus a firm add-on cost of .14 with the net bid being 2.08666 per gallon. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the bid for the purchase of regular unleaded gasoline and diesel fuel as stated above from The Lockard Company for the year 2010 using a two-card purchasing system. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich noted that the sites available for use under this bid were on Scalp Avenue, Nees Avenue and Ferndale Avenue. He stated that the Township uses the Ferndale Avenue site.

3. **RESOLUTION R16-09:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to adopt Resolution R16-09 to participate in the joint bid program with the South Hills Area Council of Governments (SHACOG) for the purchase of two trucks and/or ancillary equipment. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **PURCHASE OF TRUCKS:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to order two trucks from Walsh Equipment Inc.; a 2010 ten ton dump truck and a 2010 one ton dump truck, both with ancillary equipment. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **ORDINANCE NO. 673:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to adopt Ordinance No. 673 authorizing the Redevelopment Authority of the City of Johnstown to establish rules for the operation and maintenance of the regional sewage collection and treatment system; to establish a pretreatment program; to develop a permitting and enforcement program; and authorizing the enforcement of the same. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich stated that this Ordinance pertained only to residences or property within Conemaugh Township that were tied into the Johnstown sewage treatment plant.

6. **ORDINANCE NO. 674:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Ordinance No. 674 prohibiting or controlling dogs and domesticated animals on or within the Hollsopple Baseball Field, Greenhouse Park, and the Quemahoning Family Recreation Park located within Conemaugh Township. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

## MINUTES OF DECEMBER 16, 2009 MEETING CONTINUED.

7. **ADVERTISE FOR BIDS FOR ANTI SKID:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to advertise for bids for State Approved 6S Anti Skid for the period of January 1, 2010 through March 31, 2010. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

8. **LAND DEVELOPMENT:** This subdivision plan was approved by the Conemaugh Township Planning Commission on December 2, 2009. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the site development plan of Max F. & Julie A. Pavlovich, owner & applicant, d/b/a Country Manor Living, for the construction of 104 storage units at 170 Phillips Street, Jerome; this project may be constructed in phases. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

### **PHASE II BENSCREEK SANITARY SEWER PROJECT**

1. **ENGINEER UPDATE:** Chairman Buncich stated that the engineers were not present tonight and asked if anyone had any questions which could be forwarded on to The EADS Group. There were none.

2. **PROJECT INVOICES:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the payment of the following invoices for the Benscreek Sanitary Sewer Project totaling \$827,223.01:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$330,052.79	Construction - Contract 05-S-03
Ligonier Construction Co.	\$285,258.42	Construction - Contract 05-S-04
Ligonier Construction Co.	\$181,913.81	Construction - Contract 05-S-05
EADS Group, Inc.	\$ 20,916.52	A/E Fees – Inspection
EADS Group, Inc.	\$ 1,447.89	Administration
EADS Group, Inc.	\$ 6,000.00	A/E Fees - Basic Design
First Commonwealth Bank	\$ 1,633.58	Interest during Construction

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

### **ITEMS FOR DISCUSSION:**

None.

At this time, Chairman Buncich asked for any public comments.

**Leo Marisa** of Marisa Lane asked if the Township's Zoning Hearing Board was going to rewrite the description for what was considered an attachment between two buildings, or was this just something that was done for the Besyk's. (This statement was in reference to the recent Zoning Hearing Appeal of the Besyk's where the Zoning Hearing Board ruled in favor of the Besyk's in regard to a possible zoning violation.)

A lengthy discussion ensued. Mr. Zuccolotto said the question needed to be asked if a sidewalk was considered a connection between buildings. The Supervisors would be discussing this at a workshop with Mark Walker, Zoning and Codes Enforcement Officer. He further stated that the ruling had to stay the way it was. Mr. Zuccolotto also questioned as to why the Zoning Hearing Board would go against Mr. Walker who felt the Besyk's were in violation.

## **MINUTES OF DECEMBER 16, 2009 MEETING CONTINUED.**

Mr. Zuccolotto stated that this matter between the Marisa's and the Besyk's was ruled in favor of the Besyk's twice by a judge. He said the Supervisors had asked the Solicitor if the Zoning Hearing Board's decision in this matter should be appealed and the Solicitor had answered, no. It was noted that this issue between the Marisa's and the Besyk's had been going on for the past ten years.

Solicitor Gleason stated that if this were to be appealed, it would go before Commonwealth Court and the costs would be substantial. He said that from what he knew of this case, appealing it seemed pointless and very expensive for the Township—it could cost thousands. Solicitor Gleason stated that the Supervisors had to be careful how they spent the residents' money, and appealing this matter was an unsure thing.

Mr. Zuccolotto stated that the Supervisors had to look to see what they were going to do with how the Zoning Ordinance was written. He also said that they needed to set precedence.

**Brian Shoff** of Ideal requested the Supervisors write a letter to PennDOT asking that they install lights, or street lights, at the entrance to the new bridge on Krings Street as it was entered from Eisenhower Boulevard. He stated that either side of the entrance to this bridge in that area needed lights in order for motorists to see the entrance. The Supervisors agreed to look into this matter.

**Joseph Stevens** of Stevens Lane stated that he had requested an update on all current Township lawsuits. He had not been present at the last meeting. Chairman Buncich said that Solicitor Barbin had presented the list at last month's meeting. Mr. Stevens asked if the list was entered into the minutes. He was answered, no, since it had not been read at the meeting, but a copy was available in the Township Office.

### **ANNOUNCEMENTS:**

1. The reorganization meeting of the Township Supervisors will be held on Monday, January 4, 2010 at 7:00 p.m.
2. The Township Auditors will reorganize on Tues., Jan. 5, 2010 at 9:00 a.m.
3. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, January 20, 2010 at 7:00 p.m.

### **ADJOURNMENT:**

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:32 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer