

MINUTES OF REGULAR MEETING OF MAY 18, 2011

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on May 18, 2011 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 present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT ON ITEMS ON AGENDA:

Paul Weygandt of 170 Barn Swallow Lane stated he recently attended a Conemaugh Township Planning Commission meeting and did research on the “back-up plan” mentioned at that meeting concerning water supply for fire protection at Laurel View Village. He discovered that the pond at his Twin Island Farm was included in that “back-up plan” as “other water supplies” in the event of another fire at Laurel View Village, as was recorded in Township minutes of September 17, 2008. He said he was never asked if he was willing to donate 1.2 million gallons of water to support a system which was designed to be insufficient to meet the needs in the event of a major fire. He indicated that he had reviewed the National Fire Protection Association (NFPA) Standard 1142. Mr. Weygandt stated that the Township never entered into a water use agreement with him as required by this Standard. This Standard also identified minimum road access requirements, clearances, etc. which his road did not meet. Mr. Weygandt said that although he had never hesitated to assist in an emergency, he felt the shifting of responsibility of fire protection in the design phase from Laurel View Village to private property owners was “grossly unsafe”. He wanted to know if Conemaugh Township or Laurel View Village has made current residents aware that they were at risk due to the inadequacy of existing water supplies. At this time, Mr. Weygandt gave the Supervisors formal notice that he had not entered into any agreement to provide backup water supply to Laurel View Village and, at this point, he had no intent to do so – he would take legal action to protect his rights. He gave the Supervisors copies of his letter regarding this matter, minutes of September 17, 2008, and the NFPA Standard he referred to above.

Solicitor Barbin stated that this would be looked into

Brain Shoff of Ideal wanted to know where this “back-up plan” came from too; and what it was. Mr. Zuccolotto stated that Mark Walker, the Township’s Zoning, Codes, and Permits Officer, had questioned if there was enough fire protection at Laurel View Village and had wanted further investigation. Mr. Zuccolotto felt that Mr. Walker had been ignored at that time. It was noted that Terry Ruparcic had referred to this “plan”, not the Supervisors. The Supervisors stated that they would be looking into this matter.

NOTIFICATION OF EXECUTIVE SESSSION:

The Union Liaison, Mr. Zuccolotto, met with the Teamsters Union representative and members in a wage re-opener on May 10, 2011; on May 12, 2011 the Supervisors met with Ben Faas of EADS to discuss the Dalton Run Bridge; on May 12, 2011 the Supervisors met with Solicitor Barbin and Josh Kalp of EADS to discuss the Benscreek Sewer Project; and on May 18, 2011 the Supervisors met with appointed auditors, Kline Kimlin, concerning the 2010 audit.

MINUTES:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of April 13, 2011. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes,

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and Mr. Buncich – yes. Motion carried.

BILLS:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to pay the bills for the month of May 2011 in the amount of \$105,990.86 for the General Fund, \$4,081.04 for the Liquid Fuels Fund, \$151,502.75 for the Sewer Fund. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried.

POLICE REPORTS:

The police report as submitted by Chief Louis Barclay for the month of April 2011 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 211. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the police report as submitted for the month of April 2011. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried.

PERSONS TO BE HEARD:

Kristine Marisa of 240 Dickey Hill Road stated that she had attended the last Conemaugh Township Planning Commission meeting and was also concerned about the water situation at Laurel View Village. She said that the Conemaugh Township Municipal Authority had stated they were fine regarding residential water, but the water and pressure was inadequate for fire protection at Laurel View. Ms. Marisa felt the Planning Commission had taken this too lightly and approved the new project for LVV. She noted that at the past LVV fire there were hydrants there with no water, and the use of other municipalities' fire departments putting citizens of those municipalities at risk. Ms. Marisa felt the Supervisors were putting hundreds of residents and properties at risk and they were liable due to their knowledge of this situation. She wanted to know how long it would take to "lay the lines" as described in Terry Ruparcic's "back-up plan" described in the 2008 minutes, noting that the NFPA had standards for this. There were also standards for land use changes. Ms. Marisa felt that LVV should be required to build in fire protection. She said one of the purposes of zoning was to prevent loss of life or property from fire. She asked if the local fire departments were consulted on matters relating to the enforcement of standards to insure that the needs of the fire department were met; were the local fire departments provided copies of tests performed on the fire hydrants – who did the testing and how often. She also asked whose responsibility it was to assure adequate pressure. Ms. Marisa wanted to know what became of the Fire Services Review Committee that was formed in 2009. She also wanted to know what became of the Emergency Services Tax.

Chairman Buncich stated that the Supervisors were not in the water business and most of these questions were for the Conemaugh Township Municipal (Water) Authority. He said that in regard to the codes questions, testing was done at LVV and they met sufficient readings to supply fire suppression. Solicitor Barbin noted that he thought that in 2008 the CTMA's letter had indicated that they had sufficient flows. Chairman Buncich stated that it was not until recently that the CTMA changed their letter to LVV to indicate that they supply domestic water only.

Brian Shoff stated that the CTMA had informed the fire departments that they were in the business of supplying potable water not fire protection. He noted that the fire department was working aggressively on a pre-plan for LVV; as LVV grew and changed the fire departments had to change.

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Chairman Buncich stated that the Supervisors would research this matter further to get some questions answered.

CORRESPONDENCE:

1. A letter was received from Elsie Turous regarding a street light near her property. She wanted to know why she was being taxed for a street light that was not within 250' of her property. Chairman Buncich stated she was correct, noting that the former owner had subdivided that property and the street light billing was never changed. It was noted that a refund could be given to her for only the past two years. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to exonerate Mrs. Elsie Turous from the current year street light tax and to refund her for two years prior paid street light taxes. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried.

Peggy McClain, the Township's Tax Collector, asked if the street light would be put on the right parcel for tax purposes. Chairman Buncich answered, yes.

OLD BUSINESS:

1. **BIDS FOR 2011 ROAD MATERIALS:** These bids were tabled from the April 13, 2011 meeting. Bids received were as follows:

Road Materials (Delivered):

Bids were received from New Enterprise (NE), Homer R. Sleek & Sons (SL), and Garrett Limestone (G) as follows: (Sleek & New Enterprise quoted \$1.00/ton add-on to tailgate)

1B Limestone (or) Anti-Skid Limestone Equivalent	NE – 18.45/ton	SL – 17.75/ton	G – 18.00/ton
6S Anti-Skid	NE – 18.45/ton	SL – 14.00/ton	G – 17.00/ton
#57 Stone – Limestone Only	NE – 17.95/ton	SL – 17.75/ton	G – 17.00/ton
2A Stone – Limestone Only	NE – 14.95/ton	SL - 16.25/ton	G – 13.50/ton
2RC Stone – Limestone Only	NE – 14.95/ton	SL - 16.00/ton	G – 12.00/ton
#3 Stone – Limestone Only	NE – 17.95/ton	SL – 18.00/ton	G – 15.50/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 – 70.60/ton	HRI – 67.15/ton	QS– 64.00/ton
BC-BC Base Course or 25 mm	NE – 58.35/ton	HRI – 54.15/ton	QS– 51.50/ton

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

New Enterprise	73.05/ton
HRI	72.50/ton
Quaker Sales	75.50/ton

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to award the bids for the 2011 road materials for 1B Limestone (or) Anti-skid Equivalent at \$17.75/ton and 6S Anti Skid at \$14.00/ton to Homer R. Sleek & Sons; #57 Stone (Limestone) at \$17.00/ton, 2A Stone (Limestone) at \$13.50/ton, 2RC Stone (Limestone) at \$12.00/ton and #3 Stone (Limestone) at \$15.50/ton to Garrett Limestone; ID-2 Wearing Course or 9.5mm at \$64.00/ton and BCBC Base Course or 25 mm at \$51.50/ton to Quaker Sales; and Cold Patch at \$72.50/ton to HRI. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried.

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NEW BUSINESS:

1. **MILLER SPRINGS LEASE AGREEMENT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve a lease Agreement between Conemaugh Township and Miller Springs Remediation Management, Inc. for Tax Map Parcel No. S12-043-024-00 adjacent to Greenhouse Park for a period of 25 years to be known as the Playground Tract and the Field Tract; the existing Revocable License Agreement, dated April 3, 2001, will be terminated. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.
2. **CHIEF OIL & GAS AGREEMENT:** Chairman Buncich explained that this Agreement was changed from what Chief Oil & Gas had originally asked the Township to sign. This Agreement provided better protection for the Township and there would be no explosives used on Township property. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve an Agreement between Conemaugh Township and Chief Oil & Gas Company for “cables & geo phones only (no shot holes)” in regard to a 3-D geophysical survey to be conducted across Township property. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.
3. **NEWMAN RELEASE AGREEMENT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve an Agreement between Conemaugh Township and the Jerome Volunteer Fire Department and George Newman, Paula Newman, and State Farm Mutual Automobile Insurance Company for the sole purpose of resolving certain contested claims, debts, and disputes that are the subject of a pending civil lawsuit. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Solicitor Barbin stated that the Newman’s insurance company agreed to pay in full to the Jerome Fire Company for a bill they received. Chairman Buncich said there had been an accident involving the Newmans several years ago and the bill from the Jerome Fire Company was questioned in regard to Fire Police used.

4. **WAGE INCREASE:** Chairman Buncich stated that this wage increase **did not** include the Township Supervisors. Mr. Zuccolotto explained that the Township had three different union contracts to negotiate, noting that a 2% wage increase was put in the 2011 budget. He said that he has been trying to have one date and one contract for all three unions so that when the budget was done it would be known exactly what the wages were. Mr. Zuccolotto stated that the police, office staff and Supervisors all took a wage freeze. The representative for the Teamsters Union with the Sewer Department looked at the Sewer Fund and it was in excellent shape, therefore the union representative would not agree for the Sewer Department to take a wage freeze, since the 2% increase was in the budget, stating that he would take it to arbitration. Mr. Zuccolotto stated that arbitration would cost the Township money and the Township would lose in this matter, so it was agreed to pay the 2% wage increase for 2011, but all union contracts would be negotiated at the end of the year and all at one time – whatever was negotiated for one would be negotiated for all three. This would give a good estimate for what was needed for the budget.

There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to approve a 2% wage increase for all hours worked from January 1, 2011 through December 31, 2011 for all Township

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employees, excluding the Township Supervisors. Roll call vote: Mr. Zuccolotto – yes, Mr. Buncich – yes, and Mr. Kauffman – yes. Motion carried unanimously.

Chairman Buncich wished to commend the other unions who had agreed to take a wage freeze.

5. **LAND DEVELOPMENT:** The Conemaugh Township Planning Commission approved this site development plan on May 4, 2011, contingent upon approval of the Soil Erosion & Sedimentation Control Plan from the Somerset County Conservation District/PA DEP.

Solicitor Barbin stated that based on what was heard here tonight, he felt it would be appropriate to table this at this time.

There was a motion by Mr. Kauffman, seconded by Mr. Buncich, to table the site development plan of Laurel View Village to develop five new duplex structures off of Cambridge Drive at the existing Planned Residential Development of Laurel View Village, for more information in light of what was presented to the Supervisors earlier in this meeting. Roll call vote: Mr. Kauffman – yes, Mr. Buncich – yes, and Mr. Zuccolotto – yes. Motion carried unanimously.

ITEMS FOR DISCUSSION:

None.

FLOOR OPENED FOR PUBLIC COMMENT – GENERAL:

Tim Dull of Carpenter's Park Road asked if Carpenter's Park was a candidate for sewage in the near future. The answer was not at this time. Solicitor Barbin noted that the Act 537 Plan from DEP said the Carpenter's Park area was served by on lot sewage, and that Plan would need to be changed by DEP for any proposed sewer project.

Ed Shoemaker of Davidsville asked why the Dovey re-zoning issue was not on the Agenda tonight. Mr. Zuccolotto stated that the mining company had notified the Supervisors that they wanted to make an offer to the Township. He told the company to put the offer in writing and he would meet with them next week to discuss it. Mr. Zuccolotto felt it was only fair to listen to what they had to offer and if it was a substantial offer, then a questionnaire would be put out to the public to get their opinion. He said there was no guarantee that their offer would even be attractive enough to get that far.

John Augustine of Cambridge Drive wanted to know if that was legal. Mr. Zuccolotto stated that was why the vote on the re-zoning was tabled – the Supervisors were looking into this. Mr. Augustine asked if the vote was delayed indefinitely. Solicitor Barbin answered, yes. Mr. Augustine felt the vote would depend on the money offered by the mining company. Mr. Zuccolotto stated he had no clue what the mine planned to offer; he would meet with them, and it would be decided by majority vote of the residents of Conemaugh Township. He said if the mining company hypothetically offered the Township \$1,000,000.00, it could go toward repairing roads in the Township which there was no money for – he felt it would be fair to let the residents decide. Mr. Zuccolotto did not know if it was legal yet. Solicitor Barbin stated that the matter was being delayed and no one knew what was being offered at this time – the Township would balance everything.

Mr. Shoemaker stated that the Planning Commission voted 5 to 2 to recommend that the Supervisors not approve the Dovey re-zoning request. He noted that CME had presented

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changes to reduce the outline of the property involved. Solicitor Barbin stated that the outline of the property was NOT changed, indicating that this was called a legislative amendment, not a curative amendment; the legislation was initiated by the Supervisors in response to a request received; they did not have to change anything. Solicitor Barbin stated that if part of the zoning request as advertised would be changed, the entire process would need to be started all over again. Mr. Zuccolotto stated he would meet alone with the CME due to the Sunshine Law, and then he would present the offer to the Solicitor. Solicitor Barbin stated that everyone, even those with an unpopular position, had the right to be heard. Solicitor Barbin noted that no one knew what was coming; this was just a request for a delay.

Chairman Buncich stated that the next step would be to hold a Public Hearing with a court stenographer. He stated that if CME would have made their proposal at the Public Hearing after the expense was already incurred by the Township with the stenographer and attorneys, and the matter was delayed, it would have cost the Township more. It was his opinion that it was better that it came now and if the Supervisors did decide to have the Public Hearing, they would have all the information necessary.

Dave Mishler, CEO of Laurel View Village stated that this was a zoning issue and if zoning or re-zoning could be bought and sold in the Township that would be going in the wrong direction. Chairman Buncich stated that if the Supervisors did not listen to both sides, it would be unfair.

Dorothy Marisa of Dickey Hill Road asked if the survey to the public on this would go to everyone, or just the taxpayers. Chairman Buncich stated that things had not gotten that far; the Supervisors needed to see if it was worth it.

Brian Shoff of Ideal stated that the fire department wanted to apply for a Homeland Security Grant to purchase a ladder truck to better serve the Township and LVV, but they had to come up with \$125,000.00 to apply and they could not. Their fundraiser efforts were not supported enough from residents or LVV.

Terry McClemmens of 711 West Campus Avenue asked if there was an update on his request from last meeting to add set back requirements for surface mines to the zoning ordinance. Chairman Buncich indicated that the Supervisors were “tied up” and did not get to his request yet. Mr. McClemmens also gave the Supervisors a packet of information from First Energy in reference to reducing building operating costs. Chairman Buncich thanked him and noted that the Township recently had an energy survey performed.

Linda Ford of Homestead Lane asked if the new proposed development for LVV had a sprinkler system. Mr. Zuccolotto stated that the law requiring sprinkler systems to be installed in residences was rescinded.

Mr. McClemmens asked why Solicitor Barbin was not meeting with CME on their offer. Solicitor Barbin stated that Mr. Zuccolotto was a better negotiator than he was. Chairman Buncich stated that the meeting was just an informational meeting and that information would be turned over to the Solicitor to review. Mr. McClemmens asked if there would be a Public Hearing to hear what the results were. Solicitor Barbin stated that the Supervisors informed CME that they had to put the offer in writing and this would be public record. Chairman Buncich stated that the Township had received a telephone call last week regarding this and they were told to present their offer at tonight’s meeting or reduce it to writing so it could be read at a meeting, but nothing was done as yet. Solicitor Barbin stated that CME had called today and

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requested more time. Mr. Zuccolotto stated that what CME told him today was that they wanted to meet with him, discuss things, and then put it in writing.

ANNOUNCEMENTS:

1. The bridge on East Campus Avenue will be closed from June 13, 2011 until approximately November 2, 2011 for a PennDOT bridge rehabilitation project. There will be a detour for ten weeks using E. Campus, SR402, and Miller Picking Road.

2. There will be a Special Meeting of the Township Supervisors held on Tuesday, May 24, 2011 at 9:00 a.m. for final approval of change orders for the Benscreek Sanitary Sewer Project; no other business will be discussed at this meeting.

3. The regularly scheduled meeting of the Township Supervisors will be held on Wednesday, June 15, 2011 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:51 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer