

MINUTES OF REGULAR MEETING OF FEBRUARY 17, 2010

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on February 17, 2010 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:

None.

NOTIFICATION OF EXECUTIVE SESSSION:

The Supervisors met on February 9th with Larry Crespo and Chief Barclay concerning an animal control contract; and on February 9th with Solicitor Barbin and Mark Walker to review the proposed revised Zoning Ordinance.

MINUTES:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of January 20, 2010. 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 February 2010 in the amount of \$111,139.96 for the General Fund, \$26,733.37 for the Liquid Fuels Fund, \$82,521.81 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 January 2010 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 194. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the police report as submitted for the month of January 2010. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

Joe Stevens of Hollsopple thanked the Supervisors and Township workers for doing a good job with snow removal.

Mr. Stevens stated he read an article in the Daily American where a former Township Supervisor was found in violation with the Ethics Commission and he felt that the person responsible for turning this individual in should be thanked.

Mr. Stevens said he had requested to look at gas receipts 3 or 4 years ago and he was never shown any credit card purchases for gasoline and he wanted to know why. Solicitor Barbin stated his written requests would be reviewed, but he did had not seen where gasoline had been charged on a credit card.

Mr. Stevens stated he would like to sit down and talk to all three Supervisors during a workshop

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session.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. **ANIMAL CONTROL CONTRACT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve a contract with Larry Crespo, t/d/b/a "Wildlife Solutions" to provide domestic animal control for a period of 12 months commencing on March 1st and extending through February 28th for a sum of \$1,950.00 for 15 separate capture attempts. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously. Chairman Buncich noted that all animals captured would be taken to the Somerset County Humane Society.

NEW BUSINESS:

1. **2010 SPRING CLEAN UP:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to advertise the Township's 2010 Spring Clean Up to be held the week of April 26 through 29, 2010. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. **HOLLSOPPLE BALLFIELD LEASE:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to grant permission to the Conemaugh Township Youth Softball League, Conemaugh Township Little League, and the Conemaugh Township Junior Legion League to use the facilities at the Hollsopple ball field for the 2010 season, per their written requests. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **SALE OF 1995 TRUCK:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to advertise for bids for the sale of a 1995 Dodge 3500 dump truck with plow and spreader to be sold as-is. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

A resident asked why this truck was being sold and he was answered that it was an older truck that needed some work and the Township needed one that was more reliable. It was further noted that the engine was great.

4. **ORDINANCE NO. 675:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to adopt Ordinance No. 675, fourth amendment to the Conemaugh Township Police Pension Plan Ordinance 648, deleting Section 7.02 (a), Death in Service. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **RESOLUTION R01-10:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R01-10 approving a lease-purchase agreement with City & County Financial for two trucks in the amount of \$202,243.50. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

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A resident asked what kinds of trucks were being purchased. Chairman Buncich answered that a ten ton International and a one ton Dodge, both fully equipped with plow and spreader were being purchased through a “piggyback” purchase agreement.

6. **MEETING CHANGES:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to reschedule the regular meetings of the Conemaugh Township Supervisors from March 17th and April 21st to March 10th and April 14th, 2010. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

7. **MINOR SBUDIVISION:** This plan was approved by the Conemaugh Township Planning Commission on February 3, 2010. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the subdivision plan of John & Darlene J. Henry, and David D. & Sandra M. Eash, owners, and applicant, John & Darlene J. Henry, to subdivide a 2.34 acre (Parcel A) from an existing 95.56 acre property of David D. & Sandra M. Eash and combine that 2.34 acre property with the adjoining lands of John & Darlene J. Henry, with the residue property of David D. & Sandra M. Eash containing 93.22 acres, and the size of the revised Henry parcel increasing to 4.52 acres. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – 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. He said if anyone had any questions for the Engineers to let the Supervisors know and they would be forwarded on to The EADS Group.

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 \$619,320.18:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$158,920.32	Construction - Contract 05-S-03
Ligonier Construction Co.	\$375,019.97	Construction - Contract 05-S-04
Ligonier Construction Co.	\$ 50,543.24	Construction - Contract 05-S-05
EADS Group, Inc.	\$ 24,185.55	A/E Fees – Inspection
EADS Group, Inc.	\$ 2,648.03	Administration
EADS Group, Inc.	\$ 6,000.00	A/E Fees - Basic Design
First Commonwealth Bank	\$ 2,003.07	Interest during Construction

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

ITEMS FOR DISCUSSION:

At this time, Chairman Buncich opened the floor for public comments.

John Mastillo of Jerome stated he had read in the newspaper last week that a past Township Supervisor had been found guilty by the Ethics Commission. He wanted to know if the Supervisors were going to file criminal charges against this individual. Solicitor Barbin stated that nothing could be done at this time since the case was not yet closed. He noted that the Ethics Commission had not informed the Township Office yet. Solicitor Barbin said that the individual had 30 days to make payment to the Ethics Commission, who then forwards the payment on to the Township. No one can or should do anything until the case was final. Mr.

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Mastillo asked if once the fine was paid, were the Supervisors going to file additional charges. Solicitor Barbin stated that it would be the District Attorney's decision or choice to pursue the matter with charges. Again, Mr. Mastillo asked if the Township was intending to pursue criminal charges like there should be. Solicitor Barbin said if he was asking if any person would take the information to District Attorney and ask him to file charges, that would be a personal matter—it was not necessarily the Township. Mr. Zuccolotto asked Solicitor Barbin if anyone could file these charges. Solicitor Barbin answered, yes, but reiterated that it would be premature at this point because the Ethics Commission had not relinquished jurisdiction. Mr. Mastillo said he would come to the next month's Supervisors meeting to ask again.

Mr. Mastillo wanted to know why it took longer to settle this investigation than it did for Calvin Gindlesperger's investigation. He also wanted to know why it took so long to be discovered—who was “stone-walling”. Mr. Mastillo said he was excluding Steve, Albert, and Wayne, but somebody knew.

Mr. Zuccolotto stated that this was happening throughout Townships where individuals were being charged, but only getting a “slap on the hand”. He felt that those individuals should be hit much harder so that the Supervisors coming in could see that if they do something wrong, they were going to get “nailed”.

Mr. Mastillo said that was why he asked the question as to whether or not the Board was going to pursue criminal charges. He felt if the Ethics Commission fined the individual and he paid the money back, then six months later he could run for office someplace else.

Solicitor Barbin stated that the Township would know when this was complete when a check was received from the Ethics Commission, and until it was complete, the Ethics Commission still had jurisdiction over this. He further stated that it said in the Order that if he did not pay within thirty days, they would take additional enforcement action, and if they chose to do additional enforcement action, they had “first shot” at it. Mr. Mastillo asked what would happen if they did not. Solicitor Barbin said that the District Attorney had independent jurisdiction over these offenses, and in reading the Order, this Supervisor admitted to all of the charges.

Mr. Mastillo stated that the problem was that someone needed to file a complaint to get the District Attorney involved. He also stated that last year it was mentioned in the newspaper by the District Attorney that everyone got a clean slate at the Township; he talked to the Ethics Commission and there was nothing going on. Mr. Mastillo felt that the only way they were going to get anything done was for the Board to file criminal charges when the time comes, and he also felt the District Attorney could not reject this because the investigation showed the exact opposite. Solicitor Barbin stated he was not saying Mr. Mastillo was wrong, but it was premature until the Ethics Commission was complete. Mr. Mastillo again said he would come to the next month's meeting.

Mr. Mastillo also commented on the good and bad points on the snow plowing done by the Township in Jerome.

Brian Shoff of Treasure Lane wanted to know if the Sewer Department was going to put out a paper concerning installation of the laterals for the new sewer project. Mr. Zuccolotto stated that everything was coming out in one packet to the residents. He said the Supervisors would be meeting with the engineers on this and would be sending out information within the next week.

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Mr. Shoff stated that the Township did a great job on snow plowing, but he complained about the road not being cleared early enough for him to go to work. Mr. Kauffman stated that the Township tried to get all the bus routes open first, but they would work on it.

Jack Lehew of Covered Bridge Road asked when the Covered Bridge Project was going to start. Chairman Buncich stated that the Township had not been notified yet, but the date on the signs posted indicated it would probably start within 2 or 3 weeks. Mr. Lehew asked if the Township was going to fix that road so they could get out. Chairman Buncich stated it looked like the project was going to start before spring. He would contact the Commissioners to see if the project could be pushed back, since it was their project.

Joe Stevens of Hollsopple wanted to know when the Supervisors held their workshops. Chairman Buncich said the workshops were advertised for every Tuesday during the day, and were held only if something came up. Mr. Stevens would call when he wanted to meet with the Supervisors.

Jim Jaber stated he lived at the bottom of Covered Bridge Road. He said he was going to contact the fire company and EMS to see if they could get in and out to provide emergency services during the bridge project. Solicitor Barbin reiterated that this project was the Commissioners' project. Mr. Jaber said he would contact them tomorrow.

Mike Holbay of East Campus Avenue wanted to know that since this episode with Mr. Hart, did the Township have checks and balances in place for credit cards. The Supervisors assured him that everything was accountable. Solicitor Barbin stated that the one Supervisor had given the other Supervisor his signature stamp to use. Chairman Buncich stated that now all signature stamps required pre-approval to be used, and they were rarely used—they were kept locked in a drawer.

Joe Stevens asked if there was a verbal agreement with two Supervisors that was not approved or discussed at a meeting, would that be an illegal action. Solicitor Barbin stated that it could be a violation of the Sunshine Act when two Supervisors meet and decide a matter of official policy outside of a public meeting. He noted that there were a lot of ifs, ands, and buts in this rule, so it was not really a violation until a judge or magistrate decides that it was. Mr. Zuccolotto stated that buying the sewer truck was a real violation because it did not go through a meeting.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, March 10, 2010 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:34 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer