

MINUTES OF REGULAR MEETING OF FEBRUARY 18, 2009

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on February 18, 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 Andy Gleason.

Pledge to the Flag.

PUBLIC COMMENT ON RESOLUTION R04-09:

This Resolution was being considered for adoption by the Conemaugh Township Supervisors and would approve a request from Joke Ventures, LLC, t/a The Crow's Nest, for the transfer of restaurant liquor license number R14226 from Windber Borough, Somerset County, to 510 Tire Hill Road, Conemaugh Township, Somerset County, Johnstown, PA 15905; subject to formal approval of the Pennsylvania Liquor Control Board.

Chairman Buncich asked for any public comment on this matter and there was none.

FLOOR OPENED TO PUBLIC COMMENT:

Lou Huber of Soap Hollow Road asked if the Supervisors had talked to PennDOT again concerning the bank in front of his house along Soap Hollow and the river, stating that after the last high water incident a chunk of the bank was gone. Mr. Kauffman stated he talked with Mr. Bendick of PennDOT who said when both the Township and PennDOT had time in the spring they would look at the situation and see about getting the repairs on their schedule.

Ernie Spory, Conemaugh Township Emergency Management Coordinator stated that during last Wednesday's wind storm, the fire companies answered the call and were out most of the day and night cutting trees. He said the Township road crew was also out and he felt it was a good cooperative effort by all. Mr. Spory stated during the power outage the Conemaugh Township and the Ideal Fire Halls were open to the public that needed shelter, noting that some people were out of power until Saturday. He also stated that Chairman Buncich had been out personally during the evening hours. Mr. Spory thanked everyone involved and so did the Board of Supervisors.

Steve Jordan of Renee Drive requested that the Supervisors consider removing the stop sign on Second Street at Conemaugh Avenue in Jerome, stating that it was difficult to stop during bad weather and there was already a stop sign at that intersection on Conemaugh Avenue. Mr. Kauffman stated that the original intent was to slow traffic down in this area, but the Supervisors would consider his request.

Mark Blasko of the Conemaugh Township Municipal Authority asked if the Supervisors were going to consider the CTMA's offer to possibly acquire the Conemaugh Township Sewer Department. Chairman Buncich stated he had talked to the CTMA manager and had informed him that the Supervisors had approved to meet with the CTMA to discuss this possibility at some point in the future.

Rich Maldet of Fernwood Drive asked if retired road crew worker, Dean Deal, would be replaced. Chairman Buncich stated the Supervisors were considering it. Mr. Zuccolotto noted to Mr. Maldet that there were two road crew workers currently laid off who would have to be called

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back first.

Colleen Parlock of 2862 Somerset Pike had a problem concerning the sewer project. She stated that her ground was to be leveled off as it had been prior to the sewer going through, indicating that a manhole was sticking out of the ground approximately one foot in that area. Mrs. Parlock also stated that the pet graves needed to be marked in that area. Mr. Kalp of The EADS Group stated he would take care of this matter.

Jeff Marshall of Fernwood Drive asked if the Supervisors were going to do anything concerning fire protection in his area. Chairman Buncich stated there were items further on in the Agenda regarding this. Mr. Kauffman said he met with Greater Johnstown Water Authority who would be installing a fire hydrant near his residence.

NOTIFICATION OF EXECUTIVE SESSSION:

The Supervisors met in executive sessions at the Township Building on February 4, 2009 for the purpose of reviewing the police contract, and on February 11, 2009 to discuss the sanitary sewer project rights-of-way.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the minutes of the regular meeting of January 21, 2009 and the special meeting of January 28, 2009. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – 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 2009 in the amount of \$63,726.42 for the General Fund, \$30,142.18 for the Liquid Fuels Fund, and \$104,498.29 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 2009 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 161. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the police report as submitted for the month of January 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

Joseph Stevens of 126 Stevens Lane had various questions he wanted answered.

Mr. Stevens wanted to know how many lawsuits were filed against the Supervisors and what their status was. Chairman Buncich listed the following lawsuits: 1) DEP – which was further on in the Agenda 2) Shade Township – a court hearing was scheduled for March 5th 3) Ex-Supervisor – ongoing 4) Pittsburgh law firm regarding police matter – ongoing 4) McKool lawsuit – ongoing.

Mr. Stevens stated that the auditor had reported that Mr. Gindlesperger and Mr. Kauffman had been overpaid and he wanted to know if the overpayment had been collected by the Township. Chairman Buncich stated this was an ongoing situation and a pending lawsuit.

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Mr. Stevens stated that he and other residents of the Township were concerned about the hundreds of thousands of dollars in mistakes made in the past and he had been told that the insurance company would not pay for these mistakes. He wanted to know if the Township had any correspondence indicating that they would not pay. He was answered, yes, and he said he would be in to Township office to request that information.

Mr. Stevens stated that sewer taps were paid on the Tire Hill Sewer Project and some refunds were made to certain people and he wanted to know if that list could be made public. Mr. Zuccolotto stated that was an ongoing investigation at this time, which had not yet come to a "head" since so much was going on in the Sewer Department.

Mr. Stevens wanted to know if past decisions were made by all three Supervisors or made by just one. Mr. Zuccolotto stated this all would come out when the time comes.

Mr. Steven stated he had reviewed bills from EADS and was angry that these bills just showed hours and not the work performed; and wanted to know who would pay a bill presented like that. Mr. Zuccolotto stated he had requested a copy of every bill EADs had submitted to the Township on the sewer projects, which they gave to him today and everything was itemized. He said he needed to review these bills and then he would know every dime that went into the projects. Mr. Zuccolotto stated he would get an estimated cost of the total sewer project and when finished, he wanted to see what would be covered and what the Township would be faced with.

CORRESPONDENCE:

1. A letter was received from the Humane Society of Somerset County requesting a financial contribution. It was noted that there was \$400.00 budgeted for the Humane Society. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to contribute \$400.00 to the Humane Society of Somerset County. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

OLD BUSINESS:

1. **APPOINTMENT TO ZONING HEARING BOARD:** Chairman Buncich stated a letter was received from Jeffrey A. Thomas requesting to be appointed to the Zoning Hearing Board. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to appoint Jeffrey A. Thomas to fill the vacant seat on the Conemaugh Township Zoning Hearing Board for a three year term, which began January 5, 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich noted that there was still a vacant position on the Zoning Hearing Board for an Alternate board member. He said if anyone was interested they should submit their name.

2. **RESOLUTION R02-09:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R02-09 governing the collections and payments of the Conemaugh Township Tax Collector. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

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NEW BUSINESS:

1. **RESOLUTION R04-09:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R04-09 approving the request of Joke Ventures, LLC, t/a The Crow's Nest, for transfer of Liquor License No. 14226 to 510 Tire Hill Road, Conemaugh Township from Windber. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.
2. **EARLY RETIREMENT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the early retirement of Dean Deal from employment with Conemaugh Township, effective January 30, 2009, for pension purposes. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.
3. **APPOINTMENT TO PENSION BOARD:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to appoint Township employee, Mark Konchan, as a member of the Conemaugh Township Pension Board representing the non-uniformed sector. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.
4. **CONTRIBUTION TO LIBRARY:** There was a motion by Mr. Zuccolotto, seconded by Mr. Buncich, to make a \$6,000.00 contribution to the Conemaugh Township branch library of the Somerset County Library and to possibly contribute more later in the year if finances permit. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.
5. **SET BOND AMOUNT FOR HOLDING TANKS:** There was a motion by Mr. Kaufman, seconded by Mr. Zuccolotto, to set the bond amount required for installed sewage holding tanks within Conemaugh Township at \$1,000.00. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.
6. **2009 SPRING CLEAN UP:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to advertise the Township's 2009 Spring Clean Up to be held the week of April 27 through May 1, 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.
7. **INSTALLAION OF FIRE HYDRANT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the installation of a fire hydrant in Conemaugh Township near 184 Fernwood Drive by Greater Johnstown Water Authority at a cost of \$4,148.00; to be paid from the Township's Fire Protection Fund. Mr. Kauffman noted that the reason for the location was that the Greater Johnstown Water Authority completed a survey of this area and this location had adequate water pressure. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.
8. **ALARM CARDS FOR JEROME, CONEMAUGH TOWNSHIP, & IDEAL FIRE COMPANIES:** Chairman Buncich stated that the Department of Emergency Services had contacted Somerset County Municipalities and fire companies requesting an update of Fire Alarm Assignments. Mr. Zuccolotto said there were various questions that needed answered regarding the Alarm Cards submitted to the Supervisors by the above-listed fire companies, therefore the Supervisors wanted to meet with the fire companies to discuss these cards.

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There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to table the approval of the Alarm Cards submitted by Jerome, Conemaugh Township, and Ideal Fire Companies until the Supervisors could meet with these fire companies to further discuss these cards. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich further stated that the Supervisors needed to know exactly what they were signing off on in regard to these Alarm Cards prior to submitting them to Emergency Services. Mr. Zuccolotto also noted that the Township was going to be receiving monthly reports from the County.

Joyce Graham of Lost Valley Drive asked if they would be discussing redistricting. Mr. Zuccolotto said that was what this was all about.

Ernest Spory stated this had to do with a law passed by the State in July 2008. Chairman Buncich noted that the update on the alarm cards was due March 1, 2009 and he had called Emergency Services to request an extension, but no one had been in at the time.

Rich Maldet reminded the Supervisors that when the Fire Services Review Committee was put together, they needed to look at Laurel View Village which was a huge liability to the Township.

11. **FIRE SERVICES REVIEW COMMITTEE:** Chairman Buncich stated that several individuals, including himself, had attended a State seminar regarding fire services and it had been recommended that a group such as this be formed. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to authorize the formation of a Fire Services Review Committee to research and recommend improvements and efficiency of fire service within Conemaugh Township. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

12. **SPORY SUBDIVISION EXTENSION REQUEST:** This plan was approved by the Conemaugh Township Supervisors on November 19, 2008 and the 60 day requirement to record such plan with the Recorder of Deeds had passed due to delays with approval from the Buyer's attorney. The Conemaugh Township Planning Commission approved a 60 day extension on February 4, 2009. There was a motion Mr. Kauffman, seconded by Mr. Zuccolotto, to approve a 60 day extension from the original expiration date of January 26, 2009 for recording the minor subdivision plan of Catherine Jane Spory, et al with the Somerset County Recorder of Deeds. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

13. **MINOR SUBDIVISION:** This plan was approved by the Conemaugh Township Planning Commission on February 4, 2009. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the subdivision plan of Joel W. & Angela M. Yoder, owner and applicant, to subdivide the current Yoder property located along Old Hershberger Road into two lots, creating a 13.10 acre parcel, identified as Parcel #3A, from the existing 20.50 acre property with the residue containing 7.40 acres. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

14. **MINOR SUBDIVISION:** The purpose of this subdivision is for Conemaugh Township to obtain land required for the construction of a sewage pump station. This plan was approved by the Conemaugh Township Planning Commission on February 4, 2009, pending Owner's

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Notarized Statement on the plan, which was obtained on February 13, 2009. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the subdivision plan of Dunlo Realty, Inc., owner, and Conemaugh Township Supervisors, applicant, to subdivide 0.0289acre (Lot 1) from an existing 6.686 acre tract owned by Dunlo Realty, Inc. and combine that with additional land obtained from the adjacent property owners, Scott D. & Hollie A. Griffith to create a parcel containing 0.0619 acre with the residue Dunlo Realty, Inc. property containing 6.657 acre. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

15. **HOLLSOPPLE BALLFIELD LEASE:** Chairman Buncich noted that the Township had always leased the ball field to the Conemaugh Township Youth League in the past, but now two other leagues wanted to be included on the lease. There was a motion by 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 2009 season, pending formal written request from each including dates and times of usage. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

16. **RESOLUTION R06-09:** Chairman Buncich stated that the Township had received notices of violations from the Pennsylvania Department of Environmental Protection regarding the Jerome and Tire Hill Sewage Treatment plants. The Township had meetings with DEP to negotiate the fine in this matter and the fine was set at \$15,000.00, which was to be made in three payments of \$5,000.00 each. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to adopt Resolution R06-09 authorizing execution of a consent order and agreement with DEP for the purpose of resolving pending violations concerning the Jerome and Tire Hill sewage treatment plants. 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:** Josh Kalp of The EADS Group reported that the general contractor for the dewatering building at the Tire Hill Sewage Treatment Plant mobilized on Monday and started to lay out the work. They also began installing some of the tankage this week. The electrical contractor for the dewatering building had not started yet. On the sewage contract approximately 15,000 LF of sewers had been installed so far. The contractor had three pipe crews, two clearing crews and a boring crew working currently. The next job meeting would be held on March 11, 2009.

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 \$373,109.95 and to submit them to PENNVEST on Pay Request No. 1 for reimbursement:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$278,931.78	Construction - Contract 05-S-03
Ligonier Construction Co.	\$ 94,178.17	Construction - Contract 05-S-05

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

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3. **RESOLUTION R05-09:** Chairman Buncich stated that the names on the condemnation list were individuals who had not turned in their rights-of-way that were needed in the area in which the contractor was working right now. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R05-09 authorizing condemnation of land for the Benscreek/Ideal Sanitary Sewer Project. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **SEWER TAP FEE:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to begin accepting the \$1,750.00 sewer tap fee for the Phase II Benscreek Sanitary Sewer Project per Resolution R11-08, and to advertise such. Chairman Buncich noted that if the tap fee was paid after August 31, 2009, the fee went up to \$2,000.00. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **GREATER JOHNSTOWN WATER AUTHORITY AGREEMENT:** Chairman Buncich stated that the Township would need meter readings from the Greater Johnstown Water Authority since much of the new sewer project area was covered by them and an agreement would be needed. Mr. Zuccolotto questioned the fee to be charged for that service, and there was a discussion concerning that matter. Mr. Blasko from the Conemaugh Township Municipal Authority felt that the GJWA could not charge for that information. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to table a water termination and meter reading Agreement with the Greater Johnstown Water Authority until further discussion and review was made. Chairman Buncich indicated that this would not delay anything since the project would not be completed for a while yet. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

ITEMS FOR DISCUSSION:

Mr. Zuccolotto noted that tomorrow Chairman Buncich would be contacting the State Association to see what the Township needed to get together to be included in the stimulus program.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors would be held on Wednesday, March 11, 2009 at 7:00 p.m. Chairman Buncich stated this meeting date was changed from March 18, 2009 due to a scheduling conflict.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:48 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer