

MINUTES OF REGULAR MEETING OF MARCH 11, 2009

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:03 p.m. on March 11, 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 present.

Pledge to the Flag.

FLOOR OPENED TO PUBLIC COMMENT:

Lou Huber of Soap Hollow Road asked if Mr. Kauffman had talked to the Commissioners regarding the problem along Soap Hollow Road. Mr. Kauffman stated he talked with PennDOT and when the weather cleared they would be going through the entire Township to see what needed to be done. Mr. Huber felt the Commissioners should be aware of this problem also. Mr. Kauffman stated they would put it back on to PennDOT, but he would make them aware.

Joe Stevens of Stevens Lane stated that at the Supervisors' meeting last month the lawsuits that the Township was involved in were listed and one was with Robert McKool. Mr. Stevens said that when the Township raised the sewer rates the reason given was that the Sewer Department could not meet the monthly bills, which was due to tap fees not being paid and monthly sewer bills were not being paid in the full amount due, including Mr. McKool. He wanted to know how many other people were not paying the full amount. Mr. Stevens also wanted to know if the people currently paying their sewer bills in full were going to be refunded once the lawsuit was settled with McKool, which he felt should be done.

Mr. Stevens asked Solicitor Barbin if he had a conflict of interest in any of the lawsuits involving the Township. Solicitor Barbin stated, no, other than filing lawsuits against Mr. McKool in the past for other municipalities, and representing Shade Township for three months five years ago. He further stated that the DEP lawsuit was handled through the State, and he was not representing the Township in the Schnader lawsuit, Attorney Dan Rullo was, whom he had the upmost respect for. Solicitor Barbin noted that if anything would ever come up between the Greater Johnstown Water Authority and the Township, he would not be involved on either side of that matter.

Mr. Stevens informed the Supervisors that he had found another person who had property in Davidsville on which the Township did not have the right-of-way to maintain the sewer line. He wanted to stress to the contractors of this new sewer project to be sure that the lines were installed where they belonged.

Mr. Zuccolotto stated that he had asked Solicitor Barbin how to expedite the matter involving Mr. McKool, and he was told that the Township could sell Mr. McKool's property, so he felt this should be done. He further noted that the Sewer Department was now meeting its obligational debt and was moving forward.

Solicitor Barbin noted that if he would file the papers to sell Mr. McKool's property, Mr. McKool had the right to appeal.

Mark Blasko of the Conemaugh Township Municipal Authority stated that the Authority had sent a letter to the Supervisors requesting to negotiate the possible merger of the Sewer

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Department with the Water Authority, which they estimated would save approximately \$150,000.00 for the Sewer Department, and they wanted to know if the Supervisors were considering this. Chairman Buncich stated that this needed to wait until the current sewer project was completed, which would be approximately in December 2009. Mr. Blasko noted that the merger process would take about two years and felt it would not hurt to get started. Mr. Zuccolotto stated that the Supervisors needed to do the right thing by the people. Chairman Buncich stated that until the sewer project was completed, the Supervisors would not know how everything worked. Mr. Zuccolotto also noted that Solicitor Barbin was so bogged down right now with other Township business that it would be hard to take this on at this point.

Rich Mallet of Fernwood Drive informed the Supervisors that by the Pick Up and the parts shop on Route 403 water was pouring out of the manholes. Chairman Buncich stated that a pump had failed in that area and work was started today on installing a new one.

NOTIFICATION OF EXECUTIVE SESSION:

The Supervisors met in an executive session on February 24, 2009 with Mark Walker, Township Zoning Officer, regarding a zoning matter; on March 4, 2009 with the Township Solicitor regarding police matters; on March 4, 2009 with the Township fire companies regarding Alarm Cards; and on March 11, 2009 with the Township Solicitor, EADS, and the Township's Sewage Enforcement Officer regarding the operation of the Township sewage treatment plants and other matters concerning the Sewer Department.

MINUTES:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of February 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 March 2009 in the amount of \$72,501.85 for the General Fund, \$49,318.64 for the Liquid Fuels Fund, and \$87,530.50 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 February 2009 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 179. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the police report as submitted for the month of February 2009. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

None.

CORRESPONDENCE:

1. A letter was received from the Jerome Memorial Day Committee requesting a donation of \$500.00 for their Jerome Memorial Day Services to be held on Monday, May 25, 2009. There

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was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to contribute \$500.00 to the Jerome Memorial Day Committee for their Jerome Memorial Day Services. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

OLD BUSINESS:

1. **FIRE COMPANIES ALARM CARDS:** This matter was tabled at the February 18th Supervisors' meeting. The Supervisors met with the fire companies serving Conemaugh Township to discuss their Alarm Cards on March 4, 2009. Chairman Buncich stated that everyone in attendance at that meeting agreed on the Alarm Cards as presented. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the Alarm Cards as submitted by the Conemaugh Township Volunteer Fire Company, Jerome Volunteer Fire Company, Ideal Volunteer Fire Company, and Hollsopple Volunteer Fire Company. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

NEW BUSINESS:

1. **2009 ROAD MATERIAL BIDS:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to advertise for bids for the Township's 2009 road material; bids to be opened at the April 15th meeting. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. **SERVICE FOR PENSION BENEFITS:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to allow continued years of service for pension benefits purposes for Terry Kerr who was laid off as a Township road crew employee during the period from May 26, 2006 to October 15, 2007. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **FIREWORKS DISPLAY:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the request from Tim McDonald to have a fireworks display at 353 Sugar Maple Avenue on July 25, 2009 beginning at approximately 9:30 p.m., to be put on by Little Big Shots who holds the necessary licenses and maintains \$2,000,000.00 of insurance coverage. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously. Chairman Buncich stated that the Chief of Police and the fire company in his area had talked with Mr. McDonald to be sure everything was okay with this.

4. **BID FOR 2005 DURANGO POLICE CRUISER:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the bid from Stonycreek Township for the purchase of a 2005 Dodge Durango police cruiser in the amount of \$6,000.00. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

Mr. Zuccolotto noted that the Township lost its lawsuit with Shade Township over the two police cruisers and owe Shade \$17,000.00 plus.

5. **COPS GRANT APPLICATION:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the submission of a Cops Grant Application as part of the American Recovery and Reinvestment Act of 2009 to cover the cost of one full-time police officer for three years. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously. Chairman Buncich stated that after three years the Township would be responsible for the cost of the officer.

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6. **RESOLUTION R07-09:** There was a motion by Mr. Zuccolotto; seconded by Mr. Kauffman, to adopt Resolution R07-09 declaring Conemaugh Township's intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008 by the Pennsylvania Historical and Museum Commission, Bureau of Archives and History. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

7. **PURCHASE OF OFFICE FURNITURE:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to purchase an office work station with chair under the COSTARS program from Hampton Office Products (HON) for a cost of \$2,784.08 installed. 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 noted that the Engineers Report was in the Supervisors' packets for review.

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 \$897,992.97 and to submit them to PENNVEST on Pay Request No. 1 for reimbursement:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Gordon L. DeLozier, Inc.	\$ 189,735.30	Construction - Contract 05-S-01
Church & Murdock Electric	\$ 2,373.29	Construction - Contract 05-S-02
Ligonier Construction Co.	\$ 393,541.68	Construction - Contract 05-S-03
Ligonier Construction Co.	\$ 95,811.96	Construction - Contract 05-S-04
Ligonier Construction Co.	\$ 196,530.74	Construction - Contract 05-S-05
Conemaugh Township	\$ 20,000.00	Benscreek Pump Sta. Property

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

ITEMS FOR DISCUSSION:

None.

At this point, Chairman Buncich opened the floor for any additional public comment. There was none.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, April 15, 2009 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:30 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer