

MINUTES OF REGULAR MEETING OF APRIL 15, 2009

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on April 15, 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:

None.

NOTIFICATION OF EXECUTIVE SESSSION:

The Supervisors met in executive and work sessions on March 17, 2009 with Teamster Union members and representatives regarding contract negotiations; on March 24 ,2009 with representatives from Waste Management to discuss free dumping permits for Township residents; on April 13, 2009 with Teamster Union members and representatives regarding contract negotiations; on April 14, 2009 with the Township Solicitor, Township Engineers, and the Township Sewer Plant Operator to discuss sewer plant operations; and on April 14, 2009 with Joe Stevens to discuss his sewer line issue.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the minutes of the regular meeting of March 11, 2009 and Special Meeting of April 6, 2009. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

BILLS:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to pay the bills for the month of April 2009 in the amount of \$50,131.39 for the General Fund, \$7,771.81 for the Liquid Fuels Fund, and \$169,785.22 for the Sewer Fund. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

POLICE REPORTS:

The police report as submitted by Chief Louis Barclay for the month of March 2009 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 215. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the police report as submitted for the month of March 2009. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich noted that the Police Department applied for a COPS Grant on April 13, 2009 and also an Edward Burns Discretionary Grant.

PERSONS TO BE HEARD:

George Knapp, Benson Borough Councilman, wanted to know where the money was going to come from to pay for the part of the new sewer line being run down through the golf course, and for the 100 easements needed. He wanted to know if the sewer bills were going to go up. Chairman Buncich stated it was not the intention of the Supervisors to raise sewer rates; the user fees and tap fees should cover the costs. Mr. Knapp stated that future development in the new sewer project area had nothing to do with Benson Borough. Chairman Buncich noted that when new sewers were put in Benson Borough, Township residents did not get anything out of that.

MINUTES OF APRIL 15, 2009 MEETING CONTINUED.

Mr. Knapp insisted that Benson Borough had a deal with the Township that their sewer bills would be held at a specific rate for thirty years, but their bills kept going up. He said he was listening to tapes and was coming back at the next meeting with them to prove what was said. Mr. Zuccolotto stated that Mr. Knapp had been asked for 14 years to prove what he was saying and he wanted to see the proof. Chairman Buncich stated that if Mr. Knapp had questions, the Supervisors would answer them, but this was not a debate period. Mr. Knapp's question of who was paying for the new sewer project was answered—it would be covered by user fees and tap fees.

CORRESPONDENCE:

1. A letter was received from the Conemaugh Township Area Historical Society requesting a donation for 2009. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to donate \$500.00 to the Conemaugh Township Area Historical Society. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

OLD BUSINESS:

1. **ZONING HEARING BOARD APPOINTMENT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to appoint Rob Euen to the unexpired term of Alternate member on the Conemaugh Township Zoning Hearing Board, term to expire 1/4/2010. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously. Chairman Buncich noted that this was the only name submitted for this vacancy.

NEW BUSINESS:

1. **OPEN BIDS FOR 2009 ROAD MATERIALS:** Chairman Buncich opened the following bids received for road materials:

Road Materials (Delivered):

Bids were received from New Enterprise (NE) and Homer R. Sleek & Sons (SL) as follows:

#8 Limestone (or) Anti-Skid Limestone Equivalent	NE – 17.45/ton	SL – 18.40/ton
Type 2 Slag – Anti-Skid – Limestone Only	NE – No Bid	SL – 13.80/ton
#57 Stone – Limestone Only	NE – 16.10/ton	SL – 15.50/ton
2A Stone – Limestone Only	NE – 12.10/ton	SL – 14.50/ton
2RC Stone – Limestone Only	NE – 12.10/ton	SL – 14.30/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 – 65.35/ton	HRI – 56.00/ton	QS– 50.00/ton-ID2
BC-BC Base Course or 25 mm	NE – 54.20/ton	HRI – 46.50/ton	QS– 40.00/ton-BCBC
			QS-51.00/ton-9.5mm
			QS-43.00/ton-25mm

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

New Enterprise	70.35/ton
HRI	75.00/ton
Quaker Sales	72.00/ton
Sleeks	82.50/ton

MINUTES OF APRIL 15, 2009 MEETING CONTINUED.

There was some discussion about the bids received for cold patch and although New Enterprise was the low bidder, the Supervisors felt that since Quaker sales was closer, it would be more cost efficient to award them the bid.

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to award the following bids:

Road Materials (Delivered) to Homer R. Sleek & Sons for:

Type 2 Slag – Anti-Skid – Limestone Only – 13.80/ton

#57 Stone – Limestone Only – 15.50/ton

Road Materials (Delivered) to New Enterprise Stone & Lime for:

#8 Limestone (or) Anti-Skid Limestone Equivalent – 17.45/ton

2A Stone – Limestone Only – 12.10/ton

2RC Stone – Limestone Only – 12.10/ton

Road Materials Paving/Sealing Materials (FOB at Plant) to Quaker Sales for:

ID-2 Wearing Course or 9.5 mm – 50.00/ton & 51.00/ton

BC-BC Base Course or 25 mm – 40.00/ton & 43.00/ton

Cold Patch (FOB at Plant) to Quaker Sales – 72.00/ton

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

2. **RESOLUTION R09-09:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R09-09 establishing a policy regarding the retention of digital and/or audio tape recordings of the Conemaugh Township Board of Supervisors' meetings. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously. Chairman Buncich noted that under this Resolution the Township would retain recordings for one year and then they would be destroyed.

3. **HIRING OF POLICE OFFICER:** This officer would replace Patrolman Ernest Lohr whose employment with the Township will end as of April 30, 2009. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to hire Russell Miller as a full-time police officer for the Conemaugh Township Police Department pending satisfactory completion of all necessary pre-employment screening tests. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **MINOR SBUDIVISION:** This plan was approved by the Conemaugh Township Planning Commission on April 1, 2009. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the subdivision plan of Sharon Barto, owner, and Terry Ruparcic, applicant, to convey a portion of the Sharon M. Barto property (parent property map no. S12-064-11-00) to Terry L. & Georgann L. Ruparcic located along Moonshine Hollow Road (T680) and conveying 0.574 acres from the exiting 5.393 acre Barto property, adjoining that into the adjacent Ruparcic property; with the reduced Barto property retaining 4.810 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** – Josh Kalp of the EADS Group reported that for the dewatering building all site piping, tankage, building footers, and masonry work was done. The roof was nearly complete and the contractor anticipated working on interior mechanical and painting the remainder of the month. The electrical contractor would be initiated next month since he now had a building to work in. Approximately 32,000 LF of sewer line had been installed to date.

MINUTES OF APRIL 15, 2009 MEETING CONTINUED.

The mine void grouting had been completed on the Benscreek Pump Station, and modifications had been completed at the Greenhouse Park Pump Station. The contractor anticipated work to begin on the Benscreek Pump Station and wet well the week of April 27, 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 \$1,411,556.26 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.	\$261,549.66	Construction - Contract 05-S-01
Ligonier Construction Co.	\$168,803.36	Construction - Contract 05-S-03
Ligonier Construction Co.	\$648,804.45	Construction - Contract 05-S-04
Ligonier Construction Co.	\$311,123.62	Construction - Contract 05-S-05
Conemaugh Township	\$ 21,275.17	Benscreek PS Electric (Penelec)

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

ITEMS FOR DISCUSSION:

None.

Solicitor Barbin stated that a motion would be needed to approve payment of the judgment in the Shade Lawsuit. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to pay the balance owed on the judgment issued against the Township in the Shade Lawsuit involving two police cruisers in the amount of \$16,800.00. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

At this point, Chairman Buncich opened the floor for any additional public comment:

Rich Maldet of Fernwood Drive wanted to know if the manholes located by Jim & Jimmy's and the bridge near Thomas Mills were completely sealed. Mr. Kalp answered that they were.

Kathy Howrylak of Fortune Lane asked when the promised fire hydrant was going to be installed on Fernwood Drive. Chairman Buncich stated that the Supervisors had approved and authorized the installation of this hydrant and it was up to the Greater Johnstown Water Authority to install it. Mr. Kauffman said he would call the GJWA tomorrow to check on this matter.

Brian Cordell of Country Club Road informed the Supervisors that there was a pipe across the road by Bill Drenners' residence above Country Club Road that was blocked with stone. Mr. Kauffman stated that the Supervisors were aware of this problem and would be fixing it when the weather was suitable. Mr. Cordell stated there were also potholes in that area that needed patched. Chairman Buncich said that those would be taken care of.

Jeff Marshall of Fortune Lane asked about the committee that was to be formed to discuss the fire companies. Chairman Buncich stated that he had started to assemble a list of names for this committee, and he had approximately 15 names so far, but no one had been appointed to the committee as yet. He further stated that he had attended a meeting in Sipesville regarding fire companies. Chairman Buncich stated he had planned to meet with two representatives from the State at the upcoming Township Conference in Hershey to discuss assisting the Township in this matter, and on April 29, 2009 an individual from the Pennsylvania State Association of

MINUTES OF APRIL 15, 2009 MEETING CONTINUED.

Townships would be here to talk to the Supervisors about fire companies.

Kathy Howrylak stated she had heard that fire chiefs were to be on this committee and stated that individuals for the merging of fire companies should be on the committee, not people against it. She further stated that no chiefs should be permitted on the committee. Chairman Buncich said that both sides needed to be heard in this matter, reiterating that no one had officially been appointed to the committee yet.

Terry Ruparcic of Tire Hill noted that Officer Ernie Lohr was present and he would like to thank him for his service to the Township.

Joseph Stevens of Stevens Lane stated that at the meeting he had yesterday with the Supervisors and Solicitor he wanted to understand that he was told that even if there was no easement for a property, the Township could come onto the property at anytime and do anything they wanted. Solicitor Barbin stated, no, but if the sewer line was blocked, the Township would perform maintenance, and if the Township did real damage to his property, the Township would be obligated to pay him for that damage.

Mr. Stevens wanted to know what the point of condemnation was. Solicitor Barbin said the Township was required to go through the prescribed policy to file condemnations, which was not done in his case years ago, but even if that process was missed, it was still taken as a valid public policy. He said that although Mr. Stevens did have additional rights he could pursue, the Township would not pay for damages that were not there.

George Knapp of Benson Borough said that the Borough had “loaned” the Township’s Police Department portables and a car when the Township police were patrolling Benson Borough. He stated that they had been trying to obtain these items back with no luck. Chairman Buncich asked the Mr. Knapp to present documents verifying the items that belonged to Benson Borough to the Township office and the Supervisors would try to locate the radios. Solicitor Barbin said Mr. Knapp should produce receipts with serial numbers so the Township could match them up to those radios.

ANNOUNCEMENTS:

1. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, May 20, 2009 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:35 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer