

MINUTES OF REGULAR MEETING OF MAY 19, 2010

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on May 19, 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, Solicitor Barbin, and Mark Walker met on May 11th to review the proposed revised Zoning Ordinance, and with representatives from Musser Engineers and Alverda Enterprises regarding a road bond agreement and crossing of a sanitary sewer line for the removal of a refuse pile on Bethel Drive; and on May 19th to discuss a personnel matter.

MINUTES:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of April 14, 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 May 2010 in the amount of \$155,594.67 for the General Fund, \$3,725.09 for the Liquid Fuels Fund, \$88,557.56 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 April 2010 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 194. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the police report as submitted for the month of April 2010. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

Coleen Hartnett of Pleasant View Drive stated that there was a problem at the top of Glessner Road with a lot of garbage dumping, tire tossing, and drug paraphernalia. She said in the 6 ½ years she has lived there she cleaned up the road three times. Ms. Harnett stated that she and her neighbors, the Weavers and the Haugers, police the road for vehicles parked in the pull off areas. She had found a bank slip with a name on it from some garbage and had turned it into the police—she heard nothing back from the police on what had been done. Ms. Harnett stated there was a lot of drug activity going on in that area. She and her neighbors were requesting that this road be gated where the macadam road ends across from Dr. Hauger's and another gate be placed beyond Weaver's barn where the macadam road resumes; only emergency vehicles/personnel and adjacent property owners should have keys to these gates.

Chairman Buncich stated that the Supervisors did receive her letter on this matter. He asked Chief Barclay to respond regarding the name on the bank slip. Chief Barclay apologized for not

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getting back to her. He stated that the police department did file charges; the person plead guilty and a payment plan was set up through the magistrate's office to pay the fine. Chief Barclay noted that this person did not request a hearing.

Ms. Harnett further stated that she had come across lit fires surrounded by beer cans/bottles on her property, and people had been found lying in the yards. This and the dumping of junk was a constant thing. Chairman Buncich stated that the Township had cleaned up what she had brought up over the bank, and was aware of what was there.

Solicitor Barbin stated that the Township was not allowed to gate a public road. Ms. Hartnett asked if it had to be open to the public, then why was it allowed to not be maintained during the winter months. Solicitor Barbin answered that there was a special provision for winter maintenance.

Marilyn Weaver asked why the Township did not close the road during the winter by Haugers as well as her end. She stated that during the winter people came up the road, got stuck and knocked on her door for assistance, stating that there was nothing at the bottom of the road preventing them from coming up.

Chairman Buncich noted that there were barrels there, and that it did drift really badly up there. Ms. Weaver further said that she rarely saw the police patrol in her area and when she asked the police why she was told that the road was too bad and they did not want to damage the cruisers. Chief Barclay said he had patrolled up there when he was on shifts and that the police were aware of the situation, but when there was only one car out for the evening the police tried to make at least one trip through, but could not sit there the whole evening.

Mr. Zuccolotto stated that this road was not just their road, but there were other people living at the top of Govier Lane that use this road. Chairman Buncich said the Township could not gate all roads where people were dumping.

Ms. Harnett felt that the road only attracted vice, there were no houses, and the road could not be used as a short cut. She believed that 99% of those traveling this road were for no good reason.

Chairman Buncich stated there was no simple solution. Ms. Weaver asked of "No Dumping" signs could be posted. Solicitor said the signs could say "No Dumping – Violators Will Be Prosecuted". Chairman Buncich stated the Township could try this. Mr. Zuccolotto said he would like to know what the fine was for the individual who plead guilty at the magistrates, and suggested putting his name in the paper as to where the violation occurred so people would know they were getting caught and fined.

Solicitor Barbin said that the Township could vacate the road, but if that was the case, then 80' diameter circles (cul-de-sacs) would need to be installed at either end, according to PennDOT specifications, because the road would be turned into two dead ends.

Chairman Buncich reiterated that the Township would post "No Dumping" signs, and that the Supervisors did understand what was going on up there. He asked that Chief Barclay make more attempts to patrol that area. Chief Barclay said he had spoken with Ms. Harnett many times, but it was hard to patrol up there with only one vehicle out in the evening. Ms. Harnett stated she understood that it was difficult for the police to patrol that road and that was why they were requesting it be gated.

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Jeremy & Dana Yost were listed to speak concerning the speed limit on Soap Hollow Road, but they were not present. Chairman Buncich stated he had talked to them earlier today and they had informed him there had been an accident on Soap Hollow Road last week. They were concerned about the speed limit posted on that road. Chairman Buncich stated that since this was a PennDOT road, in order to change the speed limit the Township needed to petition PennDOT who would in turn perform a traffic study to see if lowering the speed limit was warranted. He said he asked the Yosts to send a letter to the Supervisors from themselves, including as many residents along Soap Hollow as they could, which would be forwarded on to PennDOT. Chairman Buncich stated from that point the matter was basically out of the Township's hands. He noted that a copy of the police accident report would be sent to PennDOT also.

CORRESPONDENCE:

1. A letter was received from David Patterson of Crestview Drive concerning the dangerous curve/intersection on Rt. 403 South near St. David's Luthern Church. Chairman Buncich stated that this was a similar situation as above. There was an accident and a near accident in this area recently, and Mr. Patterson's wife was in an accident there several years ago. The Pattersons were requesting that signs be posted alerting drivers of the dangerous situation near the church. The Supervisors will forward this request along with the police accident report to PennDOT asking for some type of signage to be installed in that area.

OLD BUSINESS:

1. **LAND DEVELOPMENT/REGRAIDING PLAN:** This plan was approved by the Conemaugh Township Planning Commission on April 7, 2010. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the Land Development/Grading Plan for Alverda Enterprises, Inc. for the removal and reclamation of the Marcinko Refuse Pile located along Bethel Street in the Maple Ridge area of Conemaugh Township. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. **ALVERDA REQUEST TO CROSS SEWER LINE:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, approving the request of Alverda Enterprise to cross the Township's 2" sewer line in the area of Bethel Street, Maple Ridge, for the purposes of removing the Marcinko Refuse Pile. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **AMENDMENT TO ROAD & MATERIALS BID MOTION:** Chairman Buncich stated that at last month's meeting there was some confusion on the bids received for 2A and 2RC stone, and after further review the bid from Homer R. Sleek & Sons was not the low bid for 2A and 2RC stone for a pure limestone product. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to amend the motion made at the April 14, 2010 meeting awarding the bid for 2A & 2RC Stone to New Enterprise Stone & Lime instead of Homer R. Sleek & Sons due to the "Limestone Only" requirement. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

NEW BUSINESS:

1. **OPEN BIDS FOR SALE OF 2000 TRUCK:** Chairman Buncich opened bids received for the sale of one 2000 International dump truck with plow and spreader. They were as follows:

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Morgan Township - \$25,992.80 – as-is

Stonycreek Township - \$30,000.00 – with the Township making the necessary repairs

Solicitor Barbin stated that the Supervisors could accept either bid since these were from municipalities. Mr. Zuccolotto felt this should be tabled further discussion, noting that there would be no need to re-advertise because it was between municipalities. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to table the bids received for the sale of a 2000 International dump truck with plow and spreader for further discussion. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

2. **PUBLIC HEARING FOR PROPOSED REVISED ZONING ORDINANCE:** The Planning Commission held a Public Meeting on May 5, 2010 for any comments on this proposed Ordinance, as required. The Commission noted comments received and have submitted them along with the proposed revised Zoning Ordinance to the Supervisors for further review. The Supervisors are now required to hold a Public Hearing prior to adopting the proposed Ordinance. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to advertise for a Public Hearing for consideration of the proposed revised Zoning Ordinance. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **IMPLEMENTATION OF STONYCREEK RIVER WATERSHED STORM WATER MANAGEMENT PLAN:** Municipalities within the subject watershed were mandated to adopt or amend and implement ordinances and regulations by July 5, 2010 to regulate development within the municipality consistent with watershed plan. Chairman Buncich stated that this was a county-wide ordinance which was prepared by all the municipalities in the county located within the Stonycreek River watershed; therefore the ordinance would be standard throughout the county. There was a motion Mr. Zuccolotto, seconded by Mr. Kauffman, to authorize the Township Solicitor to prepare and advertise the ordinance necessary for the Township to comply with this mandate. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **MINOR SUBDIVISION:** This plan was approved by the Conemaugh Township Planning Commission on May 5, 2010, conditional upon a note being added to the plan stating the purpose of the subdivision. The plan has been properly revised to add this note. There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the minor subdivision plan of Bonnie L. Platt, owner and applicant, to create one new lot containing 1.293 acre (Lot 1) from an existing 3.74 acre property owned by Bonnie Platt with the residue property (Parcel 4, Lot B) containing 2.450 acres; located along Simpson Street in the Hyasota area of the Township. 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 about the sewer project for the Engineers, the Supervisors could forward them on to the Engineers for answers.

2. **PROJECT INVOICES:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the payment of the following invoices for the Benscreek Sanitary Sewer Project totaling \$214,874.37:

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<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$ 54,529.46	Construction - Contract 05-S-03
Ligonier Construction Co.	\$110,755.65	Construction - Contract 05-S-04
Ligonier Construction Co.	\$ 31,177.64	Construction - Contract 05-S-04
EADS Group, Inc.	\$ 13,450.00	A/E Fees – Inspection
EADS Group, Inc.	\$ 1,545.34	Administration
EADS Group, Inc.	\$ 2,500.00	A/E Fees – Basic Design
First Commonwealth Bank	\$ 916.28	Interest during Construction

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

ITEMS FOR DISCUSSION:

FIRE INSURANCE ESCROW ORDINANCE: Solicitor Barbin asked if the Supervisors would like him to prepare and advertise this ordinance. He explained that the ordinance would require insurance companies that were paying claims for fire insurance to pay 10% to the Township to hold in escrow until the property was either demolished or repaired. He stated that the person would receive that money back from the Township at the end, but not until the property was cleaned up. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to authorize the Township Solicitor to prepare and advertise the Fire Insurance Escrow Ordinance. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

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

Peggy McClain of Frosty Lane wanted to know if a date was set for the public hearing on the proposed revised zoning ordinance. The answer was, no. She also wanted to thank whoever was responsible for getting the water stopped at the bottom of Frosty Lane and Mossy Lane – it was becoming a hazard.

Ms. McClain asked if anything had been decided about deduct meters. Mr. Zuccolotto stated that a meeting was being set up with the Greater Johnstown Water Authority soon on how everything was going to work between them and the Township's Sewer Department. He said it would be the customer's responsibility to get the deduct meter either from GJWA or CTMA. Ms. McClain stated GJWA charged \$20.00 for a deduct meter where CTMA charged \$200.00. Mr. Zuccolotto told Ms. McClain that there would be nothing wrong with her getting her deduct meter installed now, and in the meantime the Township would be deciding who would be reading these meters and how—she may even have to read it herself with the Township following up every now and then.

Bill Holbay of Ligonier Pike wanted to know the final total of tap-ins on the Benscreek Sanitary Sewer Project. Mr. Zuccolotto said there were presently about 663 tap-ins, noting that it had been originally figured at 700. Mr. Holbay thought it was 750. Solicitor Barbin stated that would have been from the prior Board of Supervisors. Mr. Zuccolotto added that the Township would be lucky if there were 700. Mr. Holbay asked what percentage of tap-ins was paid. Mr. stated \$1,000,000.00 plus was paid on tap-ins and there was not that much more to go; maybe \$300,000.00 more.

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Chairman Buncich stated that there were approximately 200 already tapped into the system. Mr. Zuccolotto noted that this did not include the Coonridge Road development; there were 21 from that development which were not tapped in yet.

Mr. Holbay asked if this development would have to dig up from the main to the house to put the traps in and be tested. Solicitor Barbin answered, yes, they would have to be tested. If they tested and passed, they may not have to be dug up. He further stated that the main in that area would also need to be tested.

Mr. Holbay asked if this development would have to install a trap at the house like the Township residents were required to do. Solicitor Barbin stated that they would need a viewport. Mr. Zuccolotto stated they would have to go from the outside of the foundation to the tap so they can do a pressure test on that line.

At this point, a lengthy discussion ensued concerning viewport and trap installation requirements. Mr. Holbay and others stated that the Township diagrams showed that traps were mandatory. Chairman Buncich said the Supervisors would check on this. Solicitor Barbin stated that traps were optional due to the clogging factor, but certainly could be beneficial to the homeowner. He further noted that the installation of traps did not benefit the Township in any way. Mr. Holbay questioned what the Township was enforcing through their inspector versus what they were saying. Solicitor Barbin said the Supervisors would have to check on what the inspector was doing.

Mr. Holbay asked if the clay plug installation was optional also. Solicitor Barbin stated the clay plugs were to prevent water from coming into the residences. Mr. Zuccolotto stated that whatever was on the instructions was what they were supposed to do; it was laid out by the engineers. Mr. Holbay asked if there were clay plugs on the main line. Solicitor Barbin stated the Supervisors could check on that.

Brian Shoff of Ideal felt that the way it was worded on the instructions provided seemed like only the backflow preventer valve in the trap was optional, not the trap itself. Solicitor Barbin stated that the engineers wrote the sketch out, and reiterated that all municipalities he ever dealt with always made traps optional, although highly recommended. Mr. Holbay said he would be digging up both traps he had installed, stating he did not want to spend money he did not have to.

Joe Stevens of Stevens Lane stated that according to the figure the girls in the Sewer Office gave him today there were 83 taps less than the 750 originally estimated for this sewer project. He wanted to know how the Supervisors were coming up with 667 taps. Chairman Buncich stated that Mr. Zuccolotto had estimated 650 and it was above that. Mr. Stevens wanted to know if the Township was going to surcharge the other 1800 people on the sewer line for this shortage.

Mr. Zuccolotto said that when this project was completely finished and the total tap-ins were known, the Township would calculate exactly what the costs were to meet the obligational debt, and the sewer rate would be based on what the payment would be. He said that the payment would be far less than what it was originally set to be. Mr. Zuccolotto also stated that the Supervisors were working with the landfill to tap into the Township's treatment plant, which would be a "blessing". But when this project was finished, the landfill would not be tapped in yet and the users fees must meet the obligational debt, so the rates with be set accordingly; other funds may not be used to pay the PENNVEST debt. Mr. Zuccolotto explained that the landfill had 68,000 gallons/day but the Township could not take that much; noting that they had two

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2,000,000 gallon holding tanks. The landfill would pay the cost for putting the line in down to Route 403 and they would give the Township at least 38,000 gallon/day seven days/week which would equate to over \$400,000.00/year. Solicitor Barbin noted that a house did approximately 350 gallons/day, so there should be approximately 1,000 extra EDU's if the landfill connected. Mr. Zuccolotto and Solicitor Barbin reiterated how beneficial this would be for sewer customers.

Solicitor Barbin further stated that the 750 figure for tap-ins was not a true number; when he came here the Supervisors were actually arguing with EADS about how many taps were really there. EADS had to re-evaluate it downward and the final number EADS came up with before construction was started was 708 – 710 tap-ins.

Mr. Stevens stated that Benson Borough has paid into the system for twenty years now, and an agreement had supposedly been made that they were to pay \$15.00/month for thirty years. He wanted to know how this was fair. Mr. Zuccolotto stated that this was not true and he had asked Mr. Knapp of Benson Borough Council to produce a document proving this claim, which he has not been able to do because it did not exist.

Mr. Stevens stated it was not fair to surcharge Township residents because the Township underestimated the taps on this project, which would cost everyone on the system more money. Mr. Zuccolotto stated that the only way that sewer projects were affordable was as new areas were added in, everything was combined into one. He further stated that there was no “crystal ball” to know the exact number of tap-ins since houses burn down, were condemned, and it was not known until the project was complete. Solicitor Barbin stated that the Supervisors had cut some of the project out on purpose, but money was also saved for the lines that did not have to be paid for. Mr. Zuccolotto said he went through and cut out \$2,000,000.00 from this project so the sewer bills could be reduced because the cost of where the lines were going was prohibited and it should never had been there.

Mr. Stevens asked if the money coming from the landfill (after they were connected to the sewer system) would go directly to paying off the debt. Mr. Zuccolotto said that money would go to the sewer department and the bills would be adjusted accordingly. Chairman Buncich stated that as far as being cheated because this project was added, if the project had been started at the other end it would have worked out the exact opposite, and they would probably feel they were being cheated for twenty years because they did not have sewage.

Mr. Shoff asked what the Township was doing about those people who were supposed to be tapped-in a year ago on Soap Hollow. Mr. Buncich stated they were paying their monthly sewage bill and there were still some who had not tapped in yet. Mr. Shoff asked if they had paid their tap fees. Mr. Zuccolotto stated he knew of one who had not paid yet. Mr. Shoff asked if a lien would be placed on their property. Solicitor Barbin said that generally they would go on a payment plan and if they started making payments, then the Township would not go through the expense of filing legal papers. But, if they missed the payments on the payment plan, then the legal papers would be filed. Mr. Zuccolotto noted that people “fell through the cracks” before, but they were not going to do that with this administration.

Joyce Graham of Thomas Mills asked if the sewer bills were gauged on people who have Township water. Chairman Buncich said, yes, or Greater Johnstown water. Ms. Graham wanted to know how the Township billed people who have springs. Solicitor Barbin said that they pay an average bill since there was no way to meter their water consumption. Ms. Graham stated that some people on springs would have higher consumption than others on springs. Solicitor

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Barbin stated an average was taken on all the residential bills and people on wells and springs without meters received this average bill. Chairman Buncich stated that some benefit from this and some do not. Mr. Zuccolotto noted that the Supervisors were currently reviewing another way of billing.

Marvin Thomas of Moonlight Park Road stated he had questioned why he had to hook up to the sewer system if the main did not come within 150 feet of his residence. He said Mr. Hart had told him the main would be brought within 150 feet of his house, but his contractor said it was 200 feet. Mr. Thomas stated he would measure it. Chairman Buncich asked Mr. Thomas to call the Supervisors on what he found the measurement to be. Solicitor Barbin noted that it should be measured from the closest corner of the house to the closest point on the pipe. Chairman Buncich stated that if it was not there, the contractor would be required to add additional pipe to make it reach; he would call the contractor tomorrow to double check.

Mr. Holbay asked when the Supervisors figure out the sewer rates after the project was complete, would they figure the rates after the tap-in fees were paid to PENNVEST. Solicitor Barbin said that the tap-in fees did not actually go to PENNVEST. The Township already spent that money on project costs; there was a total project cost and the Township was responsible for a local share of that cost, which were the tap fees. He stated that the Township borrowed the money from First Commonwealth Bank in the amount of the PENNVEST loan and the tap fees, therefore, the tap fees were already spent. Solicitor Barbin said the tap fees were part of the project costs in addition to what was borrowed.

At this point, someone in the audience wanted to know if the Supervisors had asked one of the private contractors working on installing sewer laterals to leave the Township. The answer was, no.

ANNOUNCEMENTS:

1. Chairman Buncich stated that the Township's chipping service was provided only for residents who were doing trimming of trees and brush, not for clearing of lots or removing trees. He said some residents were taking advantage of this service by having trees removed by a tree service that remove the logs, but leave the branches for the Township to take care when it should be the tree service's responsibility. Chairman Buncich noted that the Township would refuse to take piles of brush considered too large.

2. Chairman Buncich stated that there would be a collection of tires, through the County, to be held at the Conemaugh Twp. Municipal Building on Saturday, June 19, 2010 from 9:00 a.m. to 12:00 noon; the fee would be \$2.00 per tire. He stated that he had been working with the Somerset County Commissioners to have the tire collection held at the municipal building. The County was working with a recycling program that would have a trailer at the municipal building and they would be collecting the fees. Chairman Buncich hoped that this would help curb some of the dumping problems in the Township. A resident asked if they would take tires on a rim. Chairman Buncich stated he would check into that.

3. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, June 16, 2010 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 8:01 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer