

MINUTES OF REGULAR MEETING OF JUNE 16, 2010

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on June 16, 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:

Joe Stevens of Hollsopple wanted to know what the payments to EADS were for on the bill list in circulation. Mr. Zuccolotto stated the payments pertained to the present sewer project.

Mr. Stevens asked for an update on the McKool matter. Mr. Zuccolotto stated that a hearing had been scheduled for today, but it had been rescheduled to July 15, 2010 at Mr. McKool's request. Mr. McKool had made a proposal to the Township, but the Supervisors had denied it completely.

Chris Dadura of Benscreek stated he was not tapped into the sewer yet, but he wanted to state that the contractor had dug up his yard 55' wide and 150' long. He asked where he was permitted to build in relation to this sewer line on his property. Solicitor Barbin stated that there was a 20' permanent easement and a 30' temporary easement – building was permitted up to 10' to the sewer line to allow for maintenance of the line. Mr. Dadura stated that he was required to pay \$2,000.00 tap fee, but the Township was taking away his property—he had planned to build where the line was installed. Mr. Zuccolotto noted that he would not have been able to build on that side of his house anyway due to zoning setback requirements. He also noted that Mr. Dadura had never mentioned this to the Township prior to the easement being signed.

Mr. Dadura stated he was losing land and money, his yard was not restored and trees were ripped out. He further stated that the manhole installed in his yard was raised up above ground level. Mr. Zuccolotto stated that his yard would be restored. Solicitor Barbin stated that the manholes were required to be flush and would be fixed when restoration was complete. He noted that this was something that happened to everyone else on the project.

Larry Smuro of Pleasant View Drive stated that the contractor took way more than 30' on his easement. He said he used to have a yard, but now he had a ravine with water lying in it. Mr. Zuccolotto stated that this would be taken care of and asked for his address and telephone number. Solicitor Barbin noted that the engineers were compiling a punch list which the contractor needed to take care of.

There was some discussion about the amount withheld from the contractor until the punch list was cleared out. Solicitor Barbin stated that 5% should be withheld upon substantial completion. A resident stated that the Township did not have anyone checking to see if the contractor was staying within the 30' easement. Solicitor Barbin stated that there were cases in court concerning contractors going over the 30' easement and it was the contractor's fault, not the Township's.

Peggy McClain of Frosty Lane asked if all manholes needed to be flush because they were not flush along the creek. Solicitor Barbin stated that the manholes located between the banks of the creek needed to be raised up to keep water from getting in.

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Marvin Thomas of Moonlite Park Road stated that the EADS inspector on the sewer project let the contractor tear one of his trees down. Chairman Buncich asked him to file a written complaint stating that he wanted his tree replaced.

NOTIFICATION OF EXECUTIVE SESSSION:

The Supervisors met on May 27th in an Exit Conference with the Township's auditing firm, Kline Kimlin, to review the 2009 financial statements; with Solicitor Barbin on May 27th regarding the McKool matter; on June 1st with Solicitor Barbin, EADS, and Waste Management on a sewage leach ate contract; and on June 15th with Ligonier Construction, EADS, PennDOT, & Sewer Dept. personnel to discuss the Phase II Sewer Project.

MINUTES:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to accept the minutes of the regular meeting of May 19, 2010. 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 June 2010 in the amount of \$90,528.52 for the General Fund, \$2,235.84 for the Liquid Fuels Fund, \$110,604.86 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 May 2010 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 251. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the police report as submitted for the month of May 2010. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

None.

CORRESPONDENCE:

1. Chairman Buncich stated that a letter was received from PennDOT stating that they would be performing a traffic study on Rte. 403 in area of St. David's Church. He said a resident filed a complaint about accidents occurring in that area and the Township had sent a letter to PennDOT concerning this issue. The Township would be installing signage if warranted by this study.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **FIRE INSURANCE ESCROW ORDINANCE:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Ordinance No. 676 providing for transfer of insurance proceeds to the Township in certain fire losses to be held in escrow until municipal claims or removal/repair of the damaged building was complete. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

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Solicitor Barbin noted that 90% of the insurance proceeds would go to the homeowner and 10% would be held in escrow with the Township. He stated that certain fire losses meant casualty loss – any loss. The escrowed funds would be returned once the property was taken care of properly. Mr. Zuccolotto stated that houses burned down, residents left and the Township was left with tearing these houses down. Joyce Graham asked if this could be done for abandoned properties also. Solicitor Barbin said this legislation was passed in 1992 and it only provided for fires.

2. **STORMWATER MANAGEMENT ORDINANCE:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Ordinance No. 677 adopting stormwater management requirements pursuant to the Stonycreek River Watershed Stormwater Management Plan. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich noted that this was a standard ordinance throughout the County and it was mandatory.

3. **CONEMAUGH TWP. BRANCH LIBRARY CONTRIBUTION:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to contribute \$6,000.00 to the Conemaugh Township Branch Library to help cover their expenses for January 1, 2010 through May 14, 2010. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **HIRING OF ROAD CREW WORKER:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to ratify the hiring of Stephen Mock as a full-time road crew worker effective June 7, 2010 at a rate of \$11.69/hour. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **2010 MS-4 REPORT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the 2010 MS-4 Annual Report for Stormwater Discharges from Municipal Separate Storm Sewer Systems as prepared by The EADS Group and to authorize submission of same to DEP. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich stated this was a yearly report concerning water running off Township roadways into streams.

6. **SEWAGE BILLING CONTRACT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve a contract with Resource Development and Management Inc. for sewage billing. 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 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.

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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 \$481,891.29:

<u>Payee</u>	<u>Total</u>	<u>Description</u>
Ligonier Construction Co.	\$140,321.84	Construction - Contract 05-S-03
Ligonier Construction Co.	\$178,013.31	Construction - Contract 05-S-04
Ligonier Construction Co.	\$137,241.24	Construction - Contract 05-S-04
EADS Group, Inc.	\$ 8,976.56	A/E Fees – Inspection
EADS Group, Inc.	\$ 1,433.33	Administration
First Commonwealth Bank	\$ 243.59	Interest during Construction
Commonwealth of PA	\$ 7,553.61	Interest during Construction
Commonwealth of PA	\$ 8,107.81	Interest during Construction

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

3. **SUBSTANTIAL COMPLETION – CONTRACT 05-S-03:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the Contractor's request for Substantial Completion for Contract 05-S-03 – Benscreek Sewers – Area A. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

4. **SUBSTANTIAL COMPLETION – CONTRACT 05-S-04:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the Contractor's request for Substantial Completion for Contract 05-S-04 – Benscreek Sewers – Area B. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

5. **SUBSTANTIAL COMPLETION – CONTRACT 05-S-05:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the Contractor's request for Substantial Completion for Contract 05-S-05 – Benscreek Sewers – Area C. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

ITEMS FOR DISCUSSION:

At this point, Chairman Buncich opened the floor for public comment.

Bill Holbay of Ligonier Pike asked if the Resource Development and Management company approved to do the sewage billing worked for the Johnstown Water Authority. Mr. Zuccolotto answered that this was a private company who did billing for Johnstown and other areas. He noted that they would do the billing for the Township's Sewer Department, but the Township would still do the collecting.

Mr. Holbay also asked if the Watberk Development matter was settled yet. Mr. Zuccolotto answered, no. Solicitor Barbin said the Township would not let them hook up to the sewer system until they did all the testing required. Mr. Holbay asked if they would be paying tap fees per individual owner, and the answer was yes.

At this point, Mr. Zuccolotto stated, that in the past it had looked like the sewer bills would be going up to \$62.00, but now he wanted it known there would be no sewer rate increase—there would be an official announcement on this in the future.

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A resident wanted to know why his water bill was \$28.00 and his sewer bill was \$45.00. Chairman Buncich stated that the sewer bill was based on water consumption. Mr. Zuccolotto explained that the current sewer bills were figured at \$32.00 for the first 1,000 gallons and \$.80 per every 100 gallon after that. He stated that if a resident had no meter, the sewer bill was based on the average of all the sewer bills. It was also noted that Johnstown Water Authority read meters every three months.

Peggy McClain asked if Resource Development and Management was going to do all the sewer billing or just the billing for Johnstown customers. Mr. Zuccolotto stated this company would be doing all the sewer billing.

Joyce Graham of Thomas Mills wanted to know that with the outsourcing of the sewer billing was there still the need for two girls in the sewer office. Mr. Zuccolotto answered, yes, there was a lot of work to do in that office and two girls were required. Chairman Buncich stated that the Supervisors intent was not to eliminate, but would continue to monitor the situation to be sure two positions were needed.

Joe Stevens asked if the Supervisors had the meter reading on the McKool property to compare what was coming out of there to the water usage. Mr. Zuccolotto answered, yes. Mr. Stevens asked what the comparison was. Mr. Zuccolotto stated it was unknown at this time. Solicitor Barbin said the Township wanted to develop a history on this property first. He stated the most important matter at hand was getting the tap fees plus interest from Mr. McKool which amounted to approximately \$307,000.00, then the Township could talk to him about what was defective with his pipes and how he would need to fix them. Mr. Stevens wanted to know if the total fees and interest owed by Mr. McKool was \$600,000.00. Solicitor Barbin answered, no, the amount was approximately \$480,000.00 which included tap fees and delinquent users fees.

Mr. Stevens asked if this matter was not settled for the full amount with Mr. McKool (which would give him a financial break) would there be adjustments or credits on the sewer bills of other residents. Mr. Zuccolotto explained that McKool had made a proposal to the Township and the Supervisors “threw the whole thing out the window and we are going for the whole ball of wax”. He stated that the hearing was set for July 15, 2010; noting that Mr. McKool may take this to the Supreme Court. Solicitor Barbin said it depended on how the judge ruled, and he further noted that the Township had a lien on the McKool property. He stated the judge decided everything and that was the danger of this situation.

Mr. Zuccolotto further stated that Mr. McKool was sent a monthly sewer bill in the amount of \$5,000.00, but he was paying \$3,800.00 a month—he basically set his own rate and he was being charged over \$172,000.00 to date for the difference.

Mr. Steven asked if the former Supervisors charged by the Ethics Commission were paying their fines. Mr. Zuccolotto replied that Mr. Gindlesperger was paid in full and Mr. Hart was making his payments. Mr. Stevens requested that the Supervisors let the public know when Mr. Hart was paid in full.

Brett Werder of Norlin Drive asked if it was in the best interest of the Township for the sewer bills to be based on water consumption since if residents were to cut down on water consumption, less would be collected for sewage and therefore the sewer rates would need to go up. Solicitor Barbin agreed with his statement and rates would have to go up at some point. Mr. Zuccolotto stated that was why the finances were watched closely. He said he had met with the

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landfill to make a deal with them to take leach ate to the Township's sewer plan which would be extra income to the sewer department for approximately 25,000 gallons per day. He was meeting with them again on Thursday to discuss this further. Mr. Zuccolotto stated if this happens with the landfill the sewer department would be in good shape, noting that the sewer plant could handle this.

Ginger Miller of Jerome stated that people were parking half on and half off the alley located between Somerset Avenue and Railroad Avenue in Jerome. She said there were a lot of kids that rode bikes there and she also felt emergency personnel could not get through. Ms. Miller was requesting No Parking Signs for this alley. Solicitor Barbin stated there was an offense suited for this called "obstructing a public right-of-way". Chief Barclay said the problem with Jerome was that most areas there do not have enough room to pull off the road to park. After further discussion, Chairman Buncich informed Ms. Miller to call the police department the next time the alley was obstructed so they could make a recommendation to the Supervisors.

Brett Werder asked about the proposed revised Zoning Ordinance. Chairman Buncich stated that mostly the format was improved, along with the addition of some new items such as regulations for outdoor furnaces and windmills. Mr. Werder wanted to know if this proposed ordinance was posted on the Township's website. This answer was, no, but it would be posted.

ANNOUNCEMENTS:

1. PennDOT will be installing delineation markers on the Krings Bridge to assist with night visibility of the bridge. Chairman Buncich stated that there had been complaints about this.
2. There will be a Public Hearing before the Supervisors on June 23, 2010 at 7:00 p.m. concerning the proposed revised Zoning Ordinance.
3. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, July 21, 2010 at 7:00 p.m.

ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 7:53 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer