

MINUTES OF REGULAR MEETING OF AUGUST 19, 2009

The regular meeting of the Conemaugh Township Board of Supervisors was called to order at 7:00 p.m. on August 19, 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:

Dennis Mizak of Lost Valley Drive had a question concerning the sewer project. He was told he would be answered during the Engineers Report.

NOTIFICATION OF EXECUTIVE SESSSION:

The Supervisors met on July 20th with the Teamsters Union and representatives in regard to contract negotiations, on July 23rd with Conemaugh Township School District regarding Act 32; on July 27 with the Steelworkers Union and representatives regarding a wage re-opener; on July 31st with Waste Management regarding disposal of sewer sludge; and on August 11th with George Newman and representative from the Jerome Fire Company regarding an invoice for services rendered by the fire company.

MINUTES:

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the minutes of the regular meeting of July 15, 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 August 2009 in the amount of \$72,776.89 for the General Fund, \$3,129.30 for the Liquid Fuels Fund, and \$99,632.95 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 July 2009 for the Conemaugh Township Police Department was available for review. Total reported incidents/complaints were 270. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to accept the police report as submitted for the month of July 2009. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

PERSONS TO BE HEARD:

None.

CORRESPONDENCE:

1. Two letters of thanks and recognition regarding Township employees Dan McClarren and Terry Kerr had been received by the Supervisors. Chairman Buncich read one of those letters, which was from the Jerome Volunteer Fire Company. Mr. McClarren and Mr. Kerr came upon a vehicle accident and assisted the victim from her vehicle and out of harm's way until emergency personnel arrived.

MINUTES OF AUGUST 19, 2009 MEETING CONTINUED.

2. A letter was received by the Supervisors from the DL Development Group LLC regarding Hillcrest Avenue. Chairman Buncich explained that the Supervisors had received a request from DL Development to take over the portion of Hillcrest Avenue that ran through their housing development earlier in the year. He stated that this matter was discussed by the Supervisors and reviewed by EADS with recommendations given, which were passed on to DL Development. DL Development's letter to the Supervisors was questioning the information they received from the Supervisors regarding Hillcrest Avenue. Solicitor Barbin noted that the Township would have to take them to court if they did not comply and stated he wished to respond to them.

There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, authorizing Solicitor Barbin to respond in writing to the letter received from DL Development. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. A petition was received by the Supervisors which was signed by approximately 60 individuals requesting to change the construction of a trench & dirt mound located at the entrance to the Ideal Fire Hall parking lot located at the corner of Glessner Road and Govier Lane. Chairman Buncich stated that the Supervisors had been contacted on numerous occasions by residents in this area about diverting water from their residences. He said the Township had constructed a trench to deter this water and this petition was requesting that this trench be closed. Chairman Buncich stated that the Township would review and monitor this problem to see how to divert the water so that no one was flooded. Mr. Zuccolotto believed that the parking lot needed to be graded and terraced off to the back and the culvert put in the middle with a pipe going out the back. He felt this would not be solved any other way. Mr. Shoff thought the Township solved the problem already and it was a lot better than it was. He stated he had not heard any complaints about it. Mr. Zuccolotto stated that the problem was the swell that was there and the minute there was a hard rain, it was going to wash down and within five minutes it would fill up, go over the top and back into the Murray property—it was not permanent enough; there needed to be a permanent fix. Mr. Shoff agreed that it had to be stopped in the back. Mr. Kauffman said that during the next hard rain, this situation would be looked into and he hoped that the residents would allow the Supervisors to work this out to the benefit of everyone involved.

OLD BUSINESS:

Mr. Zuccolotto asked Solicitor Barbin to give an update on the McKool matter. Solicitor Barbin stated that he was currently waiting for a hearing to be scheduled, indicating that Mr. McKool felt the Township fees were too high and unreasonable at \$300,000.00. He further stated that if needed, he could file for an order from the court to authorize the Township to put the trailer court up for sale to recoup these fees.

NEW BUSINESS:

1. **TEAMSTERS UNION CONTRACT:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the proposed union contract between the Teamsters, Chauffeurs, Warehousemen and Helpers Local Union No. 110 and the Conemaugh Township Supervisors, effective November 1, 2008 through December 31, 2011. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

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It was asked by public in attendance what the contract entailed. Chairman Buncich stated there was a 2% wage increase and changes to the vacation and sick time so that the Steelworkers and Teamsters were in line with each other. Mr. Zuccolotto stated that there would now be equal benefits on all sides - Teamsters, Steelworkers, and Police, and that all contract dates would be the same, which would make things better for budget purposes.

2. **STEELWORKERS UNION CONTRACT AMENDMENT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the proposed amendment to the union

contract between the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW) Local 1635-18 and the Conemaugh Township Supervisors regarding wages, and contract renewal date; contract expires December 31, 2011. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

3. **PARTICIPATION AGREEMENT:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve an updated Steelworkers Health & Welfare Fund Participation Agreement, effective July 1, 2009 through December 31, 2009, which would change the Plan Renewal Date for the Conemaugh Township Supervisors Health Plan from July to January. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich noted that this would change the health plan renewal date from the middle of the year to the end of the year.

4. **RESOLUTION R10-09:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R10-09 appointing the following Act 32 voting delegates as representatives for Conemaugh Township regarding the County-wide collection of the Earned Income Tax: Gina Rembold – Voting Delegate, Dr. Joseph DiBartola – First Alternate Delegate, and Susan Saylor-Stahl – Second Alternate Delegate. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich stated that the Earned Income Tax would be collected by one entity per County in the future and a Board was being assembled by the County Commissioners to work together on this. He said the Supervisors met with the Conemaugh Township School District and the Township was going to have individuals from the School District represent the Township on this Board since they had attended training.

5. **RESOLUTION R11-09:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adopt Resolution R11-09 amending the Township Fee Schedule (R01-08) for various police reports and Township services. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich stated this Resolution was being adopted to add to the Township Fee Schedule a fee for police reports that had not been included originally.

6. **CREDIT CARD PAYMENTS:** There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to approve the Conemaugh Township Sewer Department to accept payments by credit card, which will be processed through First National Bank. Roll call vote: Mr. Zuccolotto – yes, Mr. Kauffman – yes, and Mr. Buncich – yes. Motion carried unanimously.

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Chairman Buncich stated this was for payment of sewer tap fees and monthly sewer bills using debit cards, MasterCard, and Visa, along with personal checks. He noted that the CTMA was already using this system for payments of water bills. Chairman Buncich stated the Sewer Department would be charged for this service, but it would benefit the customers.

7. **PROMOTION OF OFFICER POPMA:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve the promotion of Patrolman Michael Popma of the Conemaugh Township Police Department to the status of Detective, effective August 23, 2009, per recommendation of Chief Barclay. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

Chairman Buncich stated that a letter was received from Chief Barclay requesting the promotion of Mr. Popma to Detective due to the back log of several cases. He noted that Mr. Popma would still perform the duties of Patrolman, along with the duties of Detective.

8. **BENSON BOROUGH POLICE RADIOS:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve returning the following radio equipment to Benson Borough, pending their acceptance of the offer:

Motorola Mobile Radio with microphone, 800 MHz-serial number 428SWV5318

Motorola MTX8000 Portable Radio – serial number 511AWC6149Z

Motorola battery charger with power supply – model number NTN1171A

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

Solicitor Barbin stated that these items were equivalent, not identical, to the original radio equipment given to the Township by Benson Borough.

9. **NEWMAN INVOICE:** Chairman Buncich stated that the Supervisors had a hearing with George Newman, the Solicitor, and a representative from the Jerome Fire Company. Mr. Newman was contesting a fee charged by the Jerome Fire Company for responding to an accident. There was a motion by Mr. Zuccolotto, seconded by Mr. Kauffman, to table the decision in this matter until more information was received from the Jerome Fire Company as to what the fee charged covered. 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 Contract 05-S-01 – Tire Hill STP Dewatering Building – General was 99% complete. He stated that the contractor had requested a Substantial Completion, but after further discussion this request would not be considered until after the filter press was operating properly. A minor punch had to be completed. Also, Change Order No. 2 was being presented for approval tonight in the amount of \$5,199.95.

Contract 05-S-02 – Tire Hill STP Dewatering Building – Electrical, was closed out.

Contract 05-S-03 – Area A (Benscreek to Frosty Freeze) had approximately 28,300 LF of sanitary sewer lines installed. The contractor continued to work on the pump station and was ready to install the electrical service. Restoration work had begun. The contractor, Ligonier

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Construction, had requested a 60 day time extension for this contract which would extend the end date of the contract to February 19, 2010.

Contract 05-S-04 – Area B (Frosty Freeze to entrance of North Fork County Club) had approximately 24,650 LF of sanitary sewer lines installed. The contractor continued to work in the area of Mabel Street and Shaffer Road. The 60 day time extension request from Ligonier Construction included this contract also.

Contract 05-S-05 – Area C (Country Club Road to Thomas Mills) had approximately 28,900 LF of sanitary sewer lines installed. The contractor was working along Moonlite Park Road and Pine Drive. Restoration work was ongoing. The 60 day time extension request from Ligonier Construction included this contract also.

At this point, Mr. Kalp answered Dennis Mizak's question asked earlier in the meeting, which was if the sewer lines could be continued to include his home and the home of Mrs. Fisher, and others, on Lost Valley Drive. Mr. Kalp stated that when the preliminary study was done for this project to see what would be cost effective, this area was eliminated. He stated that they had received other requests to extend the sewer lines on Lost Valley Drive and also on upper Moonlite Park Road. Mr. Kalp stated that near the end of the project, the project would be evaluated to see if there were enough funds remaining to extend the sewer lines to these areas. Solicitor Barbin noted that looking at things right now, it was likely there would be funds available, barring any surprises.

Mr. Zuccolotto stated that he believed that what needed to be done on this project before anything could happen was that the Township needed to get all the costs in to see what the cost of these sewers were going to be—this needed to be done before extending the sewer lines anywhere was discussed. He said it would be based on the footage of lines and what it would cost to get to an area, and then what the average sewer bill would be—can it pay itself back in thirty years. Mr. Zuccolotto stated the Supervisors could not have a sewer bill for people that would be \$80 to \$90 either. He said the Supervisors needed to put the costs down, figure out where everything was, and if it was decided that the sewer bills were at a reasonable rate, then the money could be used to extend those lines out. Mr. Zuccolotto said the Supervisors had taken a lot of places out of this project, but there was no guarantee that any lines would be extended that were not in the project. He said that he believed this needed to be based on what the cost was going to be. Mr. Zuccolotto stated that hypothetically if the Supervisors did not extend the lines and the sewer bill was \$50 or \$60, and if the lines were extended and the sewer bills would be \$85—the Supervisors did not know what that figure was going to be, so they had to wait until the project was done to see where it was to know what they were going to do.

Mr. Mizak asked if the sewer bills were based on the water bill. Mr. Zuccolotto answered, yes. Mr. Mizak asked what the sewer bills were based on if there was no public water. Mr. Zuccolotto stated that if a residence did not have public water or a meter, they were charged an average of all sewer bills, noting that right now that was \$45.00. Mr. Mizak wanted to know when they could get sewer in their area if the lines could not be extended in this project. Solicitor Barbin felt it was highly unlikely that would ever happened because he felt the Township would never get this amount of funding and grants together again. He further stated that if there was money left over at the end of this project that could not economically be returned to the State, then the lines could be extended. Solicitor Barbin stated that what Mr. Zuccolotto was saying was that if the money left at the end of the project could economically be returned to the State, then it should probably be returned to keep the sewer bills lower.

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Solicitor Barbin stated to Mr. Mizak and Mrs. Fisher that their window of opportunity to possibly have the sewer lines extended to their homes was this fall, and it was possible, but the Supervisors did not know the answer yet. Mr. Mizak asked how many taps there were for this project. Mr. Zuccolotto said there were approximately 725.

More questions were asked as to why the sewer lines were going in some areas and not others. Mr. Zuccolotto stated there was one thing for sure, which was that the project was done and it was irrelevant as to why this was done this way. He said the bottom line was that it was there and that was what it was and there was nothing the Supervisors could do about it. Chairman Buncich stated that the Supervisors would look at which requests for sewer line extensions were more cost effective to do.

Joyce Graham of Lost Valley Drive asked if it was true that the time to pay the sewer tap fees was extended until the end of September. Chairman Buncich answered, yes, but there would be no further extensions. Ms. Graham asked once she pays her sewer tap how soon would she get sewage. Chairman Buncich stated not until next spring, noting that the contractor had requested a 60 day extension and that the project was supposed to be done by the end of December 2009.

Bill Holbay of Ligonier Pike asked when the sewer tap time extension had come into play. Chairman Buncich stated approximately two months ago. Mr. Zuccolotto said it had been posted on the door at the municipal building. Mr. Holbay asked if anyone was officially notified. Solicitor Barbin stated that no letters had been sent out.

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 \$866,355.45:

| <u>Pavee</u> | <u>Total</u> | <u>Description</u> |
|-------------------------------|---------------------|---------------------------------|
| Ligonier Construction Co. | \$364,114.96 | Construction - Contract 05-S-03 |
| Ligonier Construction Co. | \$ 41,719.96 | Construction - Contract 05-S-04 |
| Ligonier Construction Co. | \$379,469.84 | Construction - Contract 05-S-05 |
| First Commonwealth Bank | \$ 10,506.41 | Line of Credit Interest |
| The Tag Hut | \$ 5.00 | ROW – Notary Fees |
| William Gleason-Barbin | \$ 3,784.80 | ROW/Legal Fees |
| BCBRM | \$ 28.50 | ROW Recording Fees |
| BCBRM | \$ 28.50 | ROW Recording Fees |
| BCBRM | \$ 57.00 | ROW Recording Fees |
| Attorney Bradley Allison Esq. | \$ 899.68 | ROW Consultation |
| EADS Group, Inc. | \$ 20,207.72 | A/E Fees – Inspection (June) |
| EADS Group, Inc. | \$ 26,482.56 | A/E Fees – Inspection (July) |
| EADS Group, Inc. | \$ 532.55 | Administration (June) |
| EADS Group, Inc. | \$ 4,166.82 | Administration (July) |
| EADS Group, Inc. | \$ 2,351.15 | Financial-Pennvest Closing June |
| EADS Group, Inc. | \$ 6,000.00 | A/E Fees-Basic Design (June) |
| EADS Group, Inc. | \$ 6,000.00 | A/E Fees-Basic Design (July) |

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

MINUTES OF AUGUST 19, 2009 MEETING CONTINUED.

3. **CHANGE ORDER NO. 2 – CONTRACT 05-S-01:** There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to approve Change Order No. 2 for Contract 05-S-01 – Tire Hill STP Dewatering Building - General in the amount of \$5,199.95 which included the addition of check valves on the supernatant pump discharge lines and anti-siphoning check valves on the digested sludge pumps. Roll call vote: Mr. Kauffman – yes, Mr. Zuccolotto – yes, and Mr. Buncich – yes. Motion carried unanimously.

ITEMS FOR DISCUSSION:

1. Proposed contracts with Larry Crespo t/d/b/a “Wildlife Solutions” to conduct a geese removal program at Greenhouse Park and to provide domestic animal control within the Township. Chairman Buncich stated that this would address the geese problem at Greenhouse Park and he noted that the police were swamped with stray dogs.

Larry Crespo was present and talked about his services. He stated that he conducted an integrated damage management program in regard to the geese where everything was done humane starting with nest and egg treatments, and then harassment. Mr. Crespo said this method usually worked, but had to be consistent and constant, indicating that if it did not work, then there would be adult lethal removal. He noted that these were Canadian geese which were protected under a migrating bird act, which required three years of nonlethal control before lethal methods of removal would be permitted. Mr. Crespo stated the geese were attracted to the cut grass at Greenhouse Park, along with the water. He further stated that hunting was a good option. Mr. Crespo stated the contract would run yearly.

Mr. Crespo stated that under his domestic animal contract he would catch dogs and cats and take them to the humane society. He said if the owners could be contacted, then a fee or fine would be charged to get the animal back, otherwise it would be put up for adoption. The cost would be \$65.00 each for fifteen events or \$975.00 per year, and any additional event over fifteen would be \$65.00 each. Mr. Crespo could house the animals. He was asked if he would be on 24 hour call. Mr. Crespo answered that he usually was available 18 hours. His contract could be broken with a 30 day written notice. Chief Barclay asked if Mr. Crespo could be sworn in as the animal control officer for the Township, since they did have early morning dog calls frequently, noting that the police were not dog catchers. Mr. Crespo stated he was unable to be an animal control officer due to certain rules. Solicitor Barbin stated there was another procedure that could be followed for Mr. Crespo to become the humane officer so that he could enforce the dog law.

Chairman Buncich stated that this needed to be discussed further with the Supervisors, Chief, and Mr. Crespo.

ANNOUNCEMENTS:

1. Chairman Buncich stated that the Supervisors had extended the time in which to pay for the sewer tap fees for the current sewer project to the end of September 2009. He noted that there would be no further extensions of time. Chairman Buncich stated that the Township had made arrangements with several financial institutions to offer financing as an additional payment option for the sewer tap fees.

2. The next regularly scheduled meeting of the Township Supervisors will be held on Wednesday, September 16, 2009 at 7:00 p.m.

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ADJOURNMENT:

There was a motion by Mr. Kauffman, seconded by Mr. Zuccolotto, to adjourn the meeting at 8:03 p.m.

Submitted by,

Cindy L. Walerysiak, Secretary/Treasurer