

**UPPER YODER TOWNSHIP SUPERVISORS  
JULY 17, 2014**

**REGULAR MEETING  
MUNICIPAL BUILDING**

**MEMBERS PRESENT**

EDWARD BARZESKI  
ROY SHAFFER  
ROBERT AMISTADI-ABSENT  
WILLIAM HUSTON  
SCOTT HUNT

**OTHERS PRESENT**

ROBERT SHAHADE, SOLICITOR  
KEN MESKO, ENGINEER  
WALTER HOWELL, CHIEF OF POLICE  
MARY KAY MAHER-TWP SECRETARY

**OTHERS:** Courtney Droz, Sue Margo, Sharie Richards, Karen Martin, Rachel Grove

**CHAIRMAN CALLED THE MEETING TO ORDER AT 7:00 P.M. WITH THE PLEDGE OF ALLEGIANCE.**

**APPROVAL OF MINUTES – JUNE 19, 2014 REGULAR MEETING**

Bill moved, Scott seconded to approve the minutes as presented. Motion  
Carried. 4/0/1

**APPROVAL OF MINUTES – JUNE 26, 2014 SPECIAL MEETING**

Bill moved, Scott seconded to approve the minutes as presented. Motion  
Carried. 4/0

**PERSONS REQUESTING TO BE ON THE AGENDA**

Scott Baker, Link Computer Corporation addressed the Board to review the latest software program that enhanced the Township's current Utility Billing program. The original program was developed by Mastertrac by two partners. They teamed up with Link Computer Corporation and upgraded the program. Richland Highland and Water Authority worked with Link to redesign it and they are currently using the program. Greater Johnstown Water Authority also just installed it and are using it along with the City of Altoona. The biggest difference is this program will be kept and maintained by Link Computer and access to the program and data will be via the internet and will not be not using windows software. The old program is window based and does not conform to the latest window versions as evidenced by the billing problems the office is having. Instead of paying an up front cost for the program, there will be a monthly maintenance/user fee that will include all future updates. The initial installation/set-up fee will be \$2,500 to be split between the Township and the Authority. The monthly fee will be \$370/month each for the Authority and Township, or \$8,880.00/year. The new program allows e-billing which will save postage, auto-billing, and will enable customers to pay via the web or by credit card. The GIS program can also be integrated with this program along with maps, and letters. They could all be attached to each account or address within the system for reference. All data will be stored off site, "in the cloud" and will provide additional security should the office computers fail. Mr. Baker will also be addressing the Sewer Authority Board on this program.

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**SUE MARGO/253 CAPITAL AVENUE/STORMWATER**

Ken spoke with a representative from DEP and a meeting will be scheduled to inspect the water problems at her property on Capital Avenue. After that meeting, Ken will report back to the Board on their findings. Sue also spoke with Senator Wozniak's office. She asked to be notified when the meeting will be held so that she can be present. She has a tree that is being undermined due to the water erosion.

**COURTNEY DROZ/3470 MENOHER BLVD/WATER RUNOFF**

Lengthy discussion was held on the water problem that is occurring on Mrs. Droz's property. There is an existing pipe across the rear of her property that is too small to handle runoff and the rear of her property is marshy. The Township maintains that they did not install that pipe and they cannot enter onto private property. If she wishes, she could replace the pipe and channel the water with the Township providing the pipe, but they cannot use Township equipment. This would be done at her expense. Mrs. Droz maintained the Township made changes in the area that caused the water problem, but the engineer stated there was only a minimal change made to a cross pipe which would not cause the type of water problem she is experiencing. Ken noted that the water from her property is actually the headwaters of Dalton Run, and she may have to obtain DEP permits before any changes are made. Mrs. Droz informed the Board she has water in her garage and around her barn. Mrs. Droz stated when she moved in 10 years ago, there was no water, only grass. This water is washing out her pasture. Ken believed there are underground springs that occur and can move over time. He also pointed out there was a previous drainage ditch across the property that had been filled in sometime ago, which provides evidence of water problems in the past. The water problem is a natural waterway that is existing on private property. Past practice of the Township was to supply a resident with pipe, but the installation was to be at their expense.

Ed moved, Roy seconded to provide the amount of pipe needed, the size and length to be determined, to the Droz's at 3470 Menoher Boulevard. MOTION CARRIED 4/0

Ken stated when he meets with DEP concerning the Capital Avenue water problem, they will also review the water problem at the Droz's. Permits may have to be obtained to pipe the water if they are going to channel a creek. DEP may determine it is not allowed. The Township must abide by the Commonwealth Laws concerning streams. Ken confirmed there is no Township easement on the Droz's property.

**SHIRLEY RICHARDS/241 CAPITAL AVENUE/WATER RUNOFF**

Ms. Richards complimented the Board and Road Crew for doing a great job in installing the storm sewer pipe down Sell Street. Her neighbor beyond her, downhill, always used to get water in her basement, but the last several rains, her basement has stayed dry. She questioned



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why the pipe near Venus Avenue was reduced from a 15" to a 12" pipe. When the water cannot enter the smaller pipe, it backs up and shoots into the air.

**KAREN MARTIN/501 SELL STREET/WATER RUNOFF**

Mrs. Martin stated there is no stormwater entering the catch grate near Sell and Congress Avenue. The grate is blocked by one of the neighbors in the area. Board stated the grates cannot be obstructed and the Road Crew will be instructed to clear all blockages.

**RACHEL GROVE/3350-3360 MENOHER BLVD/GARBAGE EXONERATION REQUEST**

Mrs. Grove was present at the meeting and explained to the Board there is a small cottage on her property that has its own postal address. No one is living there, and presently she is in the process of remodeling it. Her daughter sometimes uses it when she is home for a visit. They have no intention of renting it and it will not be used as a home, but mainly for storage.

Scott moved, Roy seconded to exonerate the cottage 2014 garbage/recycling collection fee for the address of 3360 Menoher Blvd. MOTION CARRIED 4/0

**APPROVAL OF REPORTS – SECRETARYS, INCOME, PAYROLL, FINANCIAL STATEMENT**

Bill moved, Scott seconded to accept the reports as submitted with discussion on the Secretary's report as needed. MOTION CARRIED 4/0

**APPROVAL OF GENERAL FUND BILLS - \$80,853.49**

Scott moved, Roy seconded to approve the General Fund bills in the amount of \$80,853.49. ROLL CALL VOTE: Scott-aye, Bill-aye, Roy-aye, Ed-aye MOTION CARRIED 4/0

**APPROVAL OF OTHER FUND EXPENDITURES - \$115,882.38**

Scott moved, Bill seconded to approve the Other Fund Expenditures in the amount of \$115,882.38. ROLL CALL VOTE: Ed-aye, Roy-aye, Bill-aye, Scott-aye MOTION CARRIED 4/0

**UNFINISHED BUSINESS**

**TREE REMOVAL/RECYCLING CENTER/SELL ST.**

Roy noted there are two trees that look unhealthy by the Township's Recycling Center on Sell Street and believed they should be looked at and removed, if need be. Road Department will be notified.

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**SUNRAY DRIVE RENOVATIONS**

Ken announced they will begin work on the Police Department's quarters on Sunray Drive, per the site visit after the last Special Meeting. A handicap ramp will have to be installed at a rear entrance with an anti-skid surface to meet ADA requirements.

**PALLISER STREET STORMWATER**

Ken met with Dave Hornick and gave him the plans needed to install pipe and culverts on Palliser Street to alleviate the water runoff. The new pipe and culverts will be connected into the existing stormwater system.

**2014 ROAD PAVING PROGRAM**

**ROAD PAVING CONTRACT 2014-01**

Only one bid was received from Quaker Sales Corporation, Johnstown for \$256,551.00.

**SEALCOAT CONTRACT 2014-02**

Two bids were received:

Quaker Sales Corporation	\$ 38,850.00
Cottles Asphalt Maintenance 13136 Lincoln Highway Everett, PA 15537	\$ 27,300.00

Discussion was held on the only bid received for the Road Paving and the overall funds that are available for this year's programs.

Roy moved, Bill seconded to reject the bid received from Quaker Sales Corporation for the Road Paving Contract 2014-01 and to reschedule another bid opening as soon as possible, along with setting up a Special Township meeting to review submitted bids. MOTION CARRIED 4/0

Ed moved, Scott seconded to award the Sealcoat Contract 2014-02 to Cottle's Asphalt Maintenance for their submitted bid of \$27,300.00. MOTION CARRIED 4/0

**BID THRESHOLDS ESTABLISHED**

Solicitor announced for the record, according to the latest State regulations the following bid thresholds are established: projects under \$10,300 do not require any quotes, projects that are \$10,300 to \$19,099 require three telephone quotes, and any projects over \$19,100 must be competitively bid.



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**NEW POLICE CRUISER-2014 CHEVROLET CAPRICE**

Chief announced the new Police cruiser has been delivered to the dealer and is ready to be picked up. The 2010 Explorer's check engine light has been on for the past several days, but there appears to be no problems with its operation or with its safety. He will have it checked out. He also pointed out the cars are rusting underneath as they are parked in the garages with a gravel flooring. He suggested the Supervisors consider installing a concrete pad for the cars to park on.

**VACANT PROPERTIES/MAINTENANCE**

Chief reported that some progress was made with the area's vacant properties. Several have been maintained since the last meeting after being contacted. The tree farm on Coon Ridge Road has also been maintained. The Boy Scouts have offered to cut the grass at the Menoher Heights Vol. Fire Company only requesting permission to bivouac at the site in order to get it done. The Scouts do carry their own insurance and their own liability. The access road that goes behind the station may be blocked in the future to prevent anyone from entering the area leaving garbage/debris. The bank was informed they were responsible for the Reinhold property on Lindberg and must maintain it. The Fields/Malden property on Ferndale Avenue is still being pursued for a responsible party to maintain it.

**LICHTENFELS GARBAGE/RECYCLING REFUND REQUEST**

Pursuant to the last meeting, the Lichtenfels were contacted and informed that as a business, they can either opt in or out of the garbage/recycling program, but cannot split the services. They were to inform the Township office of their decision. No further word has been received to date.

**2013 ROAD PAVING PROGRAM**

It was noted that the Township still owes HRI \$7,350 pending their return to the Township to complete several items from last year's contract. Ken will contact them concerning these uncompleted issues.

**GREATER JOHNSTOWN WATER AUTHORITY/SHENKELVIEW DRIVE**

There was a list of items that needed completed by the Water Authority on Shenkelview Drive in reference to the installation of their water line and pump station. Ken will contact them to pursue these unfinished items.

**PLANNING COMMISSION RESIGNATION**

Mark Walker, who was recently appointed as the Township's Zoning Officer and Building Codes Officer, cannot serve simultaneously as a member of the Planning Commission as there would be a conflict of interest. Mr. Walker submitted his resignation as a member of the Planning Commission.

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Roy moved, Bill seconded to accept Mr. Walker's resignation from the Planning Commission and to send him a letter of appreciation that he will be greatly missed from the Board. MOTION CARRIED 4/0

Roy moved, Ed seconded to offer the vacant position on the Planning Commission Board to Edward Berkhammer of 200 Berks Drive, who had served on the Board in previous years. MOTION CARRIED 4/0

**ILLUMINATED SIGNAGE/GOUCHER STREET**

Discussion ensued on the temporary signage that was erected by Krisay's on Goucher Street by Minahan Signs as an example of how the latest illuminated signage is displayed. The sign does dim in the evening. The sign is approx. 1-2 feet off of the ground, but may be more visible if it was displayed 10-12 feet in the air. The sample sign is approx. 4' x 6'. Concerns were voiced of the Goucher Street area being part commercial and part residential as opposed to the Manufacturing district in Benscreek and the number of banks/businesses that may utilize this type of signage. A suggestion was made to obtain a professional consultant to review all aspects of not only the Zoning Ordinance, but the Subdivision/Land Development Ordinance as well. There are some areas of these ordinances that needed changed years ago and were brought to the attention of the Board. A professional consultant would ensure that no section of the Ordinance would conflict with other sections. Roy pointed out that there were four different lawyers involved in the recent Cell Tower application and each one had a different interpretation on the language of the Ordinance. Roy also pointed out several items that were brought to the Boards attention from Bob Hunt when the Ordinances were originated such as the radius of a cul-de-sac and the cartway of the roads.

**RISER RING REPLACEMENT**

Ed informed the Board that Southmont had borrowed a riser ring recently from the Township and an invoice was issued to them for its cost. He had been informed that Southmont recently replaced the ring to the Township. He will confirm this with Dave.

**NEW BUSINESS**

**REGIONAL APPEALS BOARD APPROVAL**

The Township had requested if they could utilize the services of the Cambria-Somerset Council of Government's Regional Appeals Board, should a building application be denied. COG had notified the Township, as long as they are a member of COG, the Board can be used.

Scott moved, Bill seconded to approve the appointed members of the Regional Appeals Board as established by Cambria-Somerset Council of Governments, should their services be needed. MOTION CARRIED 4/0



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**RECREATION TAX FUNDS DISBURSEMENTS**

A breakdown of the 2014 Recreation Tax Funds were provided to the Board. The West Hills Recreation Commission recently requested the Township's share of ½ mill for funding their programs. After deducting the legal expenses from January-June, the advancement issued to them for \$5,000 in April, and the invoice paid for recording expenses to establish the new entity, the remaining funds due to the West Hills Recreation Commission is \$12,789.23. Westmont Borough was contacted to ensure that Upper Yoder is deducting the same expenses from their share of their Recreation Tax revenue.

**DISPOSITION OF 2010 FORD CROWN VICTORIA**

Scott moved, Bill seconded to authorize the advertisement of the 2010 Ford Crown Victoria. MOTION CARRIED 4/0

**PUBLIC PARTICIPATION - NONE**

**ADJOURNMENT** – Motion by Bill, seconded by Scott to adjourn the meeting. Motion Carried. 4/0

**ADJOURNED** – 8:15 P.M.

Respectfully submitted,



Mary Kay Maher  
Twp. Secretary

**THE NEXT MEETING OF THE UPPER YODER TOWNSHIP SUPERVISORS WILL BE HELD ON  
THURSDAY, AUGUST 21, 2014 AT 7:00 P.M. AT THE TOWNSHIP MUNICIPAL BUILDING**