

**UPPER YODER TOWNSHIP SUPERVISORS
FEBRUARY 20, 2014**

**REGULAR MEETING
MUNICIPAL BUILDING**

MEMBERS PRESENT

ROY SHAFFER
EDWARD BARZESKI
WILLIAM HUSTON
SCOTT HUNT
ROBERT AMISTADI

OTHERS

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

OTHERS: Mike Goerlich, Paul Miller, Ralph Lovette, Dave Crichton, Fran and Gary Sivi, John Knoll, John Onufro, Bill Lonsinger, Bill Burns, Bill Beckner, Samantha Brothers, Tara Gearhart

MEETING CALLED TO ORDER AT 7:00 P.M.

APPROVAL OF MINUTES OF JAN. 16, 2014

Roy moved, Bill seconded to approve the minutes as submitted. MOTION CARRIED 5/0

PERSONS REQUESTING TO BE ON AGENDA

WESSEL AND COMPANY- SAMANTHA BROTHERS/TARA GEARHART

Samatha and Tara presented the Board with the audit report for the Township records for the year 2013. Wessel & Company has given an Unqualified Opinion on the Modified Cash Basis of Financial Statements for the Township which is the best opinion that could be obtained. Comparing the Revenues from the year 2012 to the year 2013 showed a decrease by approx. \$37,000, and the expenses decreased from 2012 to 2013 by approx. \$460,000. Overall, the Statements of Net Position from the year 2012 to the year 2013, shows an overall increase of \$197,000 for the Township.

The Governmental Activities report for all funds (General, State Fund, Capital Project Funds) indicated an increase in total Assets between 2012 and 2013 for \$186,000. Noted were the Revenues, line item for Intergovernmental Revenue with a decrease of \$490,000 due to the completion of the Goucher Wheel and Walkway project. In the Expenses for all funds, the line item for Buildings had a decrease reflected for the purchase of the Sunray Drive building since it was a one-time purchase in the year 2012. The Public Works expenses increased reflecting the work completed for the Goucher Wheel and Walkway project, road paving and stormwater maintenance projects. Overall, the Township, for all funds, ended the year of 2013 with an increase in fund balances of \$167,000.

The Business-Type Activities (Garbage Fund) indicated the garbage/recycling collection fees remained approx. the same between years 2012 and 2013, with an increase in the receipt of Recycling Grants and an interfund transfer of \$25,000 from the General fund. The net position of the fund at the end of 2013 was an increase of \$30,515, \$25,000 of which was due to the interfund transfer.

The Management Letters were reviewed which researched internal controls of the accounting records. No difficulties or deficiencies were experienced or observed. Note (1) Financial Statement Preparation not being completed is common in small organizations as the CPA is hired to complete them. Note (2) Garbage Billing software prints bills with a zero balance necessitating the staff to pull them by hand and

UPPER YODER TWP.

FEB. 20, 2014

reissue them. Auditors recommend the software be reviewed to ensure it is as efficient and accurate as possible.

Solicitor noted that No. 4 Graph was not corrected from the previous year and had the Budget figure omitted for the Garbage Fund. The graph will be corrected.

Scott moved, Bob seconded to approve the audit report from Wessel & Company as presented. MOTION CARRIED 5/0

ZONING ORDINANCE UPDATE

William Burns, Chairman of the Zoning Hearing Board requested the Supervisors consider amending or updating the current Zoning Ordinance No. 220 dated 1990. The Zoning Hearing Board is confronted with interpreting the regulations of the Zoning Ordinance; however, it has become evident that the Ordinance is outdated. The current ordinance does not contain the latest regulations regarding new technology that is becoming more relevant in today's world. Mr. Burns quoted various sections and articles of the ordinance that need to be addressed.

Solicitor outlined the procedure to amend the current ordinance. The proposed amendments to the sections requested are drafted. They are then reviewed by the Planning Commission and the County Planning Commission with a 30 day notice. During this time, the Zoning Hearing Board is invited to assist in the review. The visited proposal draft is then submitted within 30 days for a public hearing. Any changes are made and reviewed. Then the Ordinance is advertised and accepted with the changes. The changes suggested could also be done by a professional consultant to make the wording and regulations more impartial.

Mr. Lonsinger, Zoning Hearing Board member, requested the Supervisors give their consent for the ZHB to begin a review of the Ordinance and assimilate recommended amendments. The ZHB did not want to waste their time if the Supervisors would not be agreeable to updating the ordinance. Solicitor advised not going into depth with the concept of the changes, but outline their thoughts and present them to the Supervisors for their consideration. John Knoll of the ZHB noted the Ordinance is archaic. The ZHB is setting precedents that applicants are using against the Township because the ordinance is outdated. The Board is trying to interpret the ordinance and they need specific guidelines to make applied rulings on. Their decisions are based on what is in front of them. The cell tower is a good example and there are rumors of another one being considered in the Township. Roy pointed out that the amended changes must meet the Pa Municipal Planning Code regulations. John Knoll also noted that the changes have to meet the Federal and State guidelines.

Bill moved, Bob seconded to authorize the Zoning Hearing Board to explore, address, and refine their perceptions of the areas that need to be updated on the current Zoning Ordinance and return to this Board with their recommendations. MOTION CARRIED 5/0

PUBLIC PARTICIPATION

WESTMONT HILLTOP RECREATION COMMISSION/Fran Sivi

Fran addressed the Board wishing to go on record to thank everyone for "stepping up to the plate." She applauded the Board and the staff also thanks the Board. Her regret is that she didn't speak up sooner

**UPPER YODER TWP.
FEB. 20, 2014**

concerning the issues at the WHRC. She noted that the last commission Board destroyed an amazing organization. She requested to be kept informed of the current proceedings for organization of a new commission as her staff are concerning about losing their jobs. Solicitor noted there is no further information on the new commission until the next meeting on March 13th. The new Board will have to review the finances of the old commission to see how much of the old liabilities they are willing to undertake. This will be revealed at the next meeting. Solicitor noted the new Board's Incorporation and By Laws are complete and will be filed in the next few days. Bob Amistadi will be at the next meeting in place of Frank Bonono who had passed away, as a representative for Upper Yoder. Current bookings at the Grove and the Ridge will be honored, but any future bookings will be suspended until the new commission can address the issues. Solicitor requested the latest financial statements, revenues, and expenditures of the Commission be issued to all parties when prepared for their review prior to the next meeting.

MICHAEL GOERLICH/102 ANTONIA STREET-PARKING SIGNS

Mr. Goerlich requested the Board install "no parking" signs on Antonia Street. With the current snow piles from the various winter storms, and the fact his neighbor across the street parks in front of their house, he cannot use his driveway. During the summer, the neighbor uses his garage at the rear of the residence, but with the build-up of snow, he has been parking it out in front of his house as he cannot access his garage. As the snow piles get larger, his car is encroaching further and further into the street. Chief Howell stated this winter was an exception with all the winter snow storms. He will get in touch with the Road Dept. to have them push back the snow and widen the street to provide better parking. Once the snow melts, there will be no problems.

THOMAS SANNA/155 AMHERST ROAD/ROAD CONDITIONS

Mr. Sanna has been at his residence since 1986. He has not seen winter road conditions as bad as this year. He informed the Board he called 9-1-1 twice because of safety; his road has not been taken care of from the ice and snow for several days. His car slid down the road and it took several days before someone was out taking care of it. Currently, the road is one lane, the width of the plow. The road has not been widened to allow two cars to pass. This has never happened before and he inquired what changed from prior years that the condition of the road is so neglected. Ed stated he did receive calls from 9-1-1 and sent out two men to plow. With the freezing rainstorm, the snow piles are now frozen and it would cause a lot of damage to the trucks and plows, if they tried to move the frozen snow piles. Also, they had several trucks break down during the storms that had to be repaired. Roy noted some of the road crew are newer men that may not be experienced enough to know to push back the snow to widen the roads. Also, property owners place stakes in their yards so the plows do not damage their lawns that prevent them from pushing back the snow. The Board stated these issues will be addressed with the road department.

PAUL MILLER/700 GOUCHER ST./SNOW REMOVAL

Mr. Miller lives at the corner of Goucher Street, Sell Street and Mowery Avenue. He presented a sketch drawing and indicated the paths the snow plows traverse on Sell Street and Mowery Avenue. As they pass, they leave a windrow of snow at the intersection of Sell Street and Mowery Avenue that lies in front of his driveway. As the snow storms continue, the windrow grows and is not pushed back. He has had to clear it himself this year. As the trucks come and go from the Township garage, they pass the windrows of snow, but they do not drop their plow to push it to the sides. They have been passing them

UPPER YODER TWP.**FEB. 20, 2014**

by on their way to another area. The Board agreed stating the snow should be removed as they pass. Mr. Miller also informed the Board that the Fire Company parking lot had not been cleared of snow, so they contracted snow removal services from Milkies Lawn and Garden at a cost of \$1,500 a year. The Board was unaware of this and will discuss it with the road department. The Township had always plowed the Fire Company/Ambulance Service as a top priority.

TOM SANNA/AMHERST ROAD/WATER LINE INSTALLATION

Mr. Sanna informed the Board that the water line that had been installed below his residence has cracked again. He asked the Supervisors to check it out when they do Road Inspection this spring.

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

Bill moved, Ed seconded to approve the Secretary's report as submitted, with discussion to be held later, if needed. MOTION CARRIED 5/0

APPROVAL OF GENERAL FUND BILLS - \$76,219.45

Roy moved, Bob seconded to approve the General Fund bills for \$76,219.45. ROLL CALL VOTE: Roy-aye, Ed-aye, Bob-aye, Bill-aye, Scott-aye MOTION CARRIED 5/0

APPROVAL OF OTHER FUND EXPENDITURES - \$111,605.57

Scott moved, Bill seconded to approve the Other Fund Expenditures for \$111,605.57. ROLL CALL VOTE: Scott-aye, Bill-aye, Bob-aye, Ed-aye, Roy-aye MOTION CARRIED 5/0

GIS MAPPING

Ken reported their firm is on track with the Sewer Project and will have that project up and running. Chairman stated there was approx. \$110,000 spent on the GIS mapping and to date, it has not been completed. Ken was working on implementing the mapping with the County; however, the County decided not to accept their plans. Intentions are now to have the GIS mapping on the Township's web site. Ken stated he had worked on Westmont's mapping when he worked at H.F. Lenz in the 80's and they only needed minor upgrades. They had their information which was already surveyed and correct decades ago, so there was not much work that needed to be done. Ken noted the Sewer Authority had made an application to receive their funding for the sewer work. They should get a favorable review in April to start their process to bid it out and do that.

AUDITOR VACANCY – 6 YEAR TERM

Tom Sanna of 155 Amherst Road was in the audience and was asked if he would be willing to accept an appointment as the Township's Auditor for a six year term, which he accepted.

Bill moved, Roy seconded to appoint Thomas Sanna to the six year vacancy as Township Auditor. MOTION CARRIED 5/0

**UPPER YODER TWP.
FEB. 20, 2014**

PER CAPITA ORDINANCE AMENDMENT #281

Amendment to the original Per Capita Ordinance No. 105 as amended by Ordinances 127, 180 and 268 establishes the compensation of the tax collector not to exceed five (5) percent of the taxes collected prior to November of each calendar year and not to exceed five (5) percent for delinquent taxes on or after the first day of November of each calendar year. Ordinance was advertised for adoption.

Bill moved, Scott seconded to adopt Ordinance No. 281 amending the Per Capita Tax Ordinance for rates of compensation. MOTION CARRIED 5/0

SUNRAY DRIVE RENOVATIONS

Renovations are on-going at the new location as the Road Department install electric services and shelving. A quote was received from Link Computer Service for the installation of computer, internet, and broadband cables to service the offices. Also included in this quote was a wireless projector for the meeting room. Bob stated he would like to see a computer terminal at the meeting room table for use during the meetings should information have to be researched. Bob will contact Link about the quote and this additional terminal.

RECREATION COMMISSION REORGANIZATION

Attorney Shahade and Bob Amistadi met with Westmont, Southmont and the School District recently about reorganizing the Commission under a new venue. Bob Amistadi was requested to attend in place of Frank Bonono who had passed away recently. A set of By Laws were drafted. Solicitor reviewed the financial statement of the commission which indicated a loss of approx. \$293,000 over the last five year period. The new commission's concerns would be the continued losses. There is no profit return from the operations at the Grove and if the Ridge is divested, then the grant would have to be repaid. The Ridge's grant stipulations and ramifications are unknown at this point. The Ridge is distinct and will be dealt with at a later time. Westmont, Southmont and now the School District have officially proclaimed they will not divest the capital assets of the Commission. The new commission which will be Bob Callihan, Bob Amistadi, Lee Williamson, Kevin Pile, and Bill Stasko will approve the By Laws. None of these members are incumbents. The Ridge will still be used based on the current bookings through to September until such a time that the School District's position is known. Chairman stated he is against selling the Ridge. Solicitor noted it is a possibility, not all four entities have to agree under Title 15 Partnership Code. One appraisal was done for the Ridge, but the School District believes it was over-evaluated. There is another appraisal yet to be done, per the School Code – two must be done. Discussion ensued on why the Ridge was not showing a profit after rentals. The Ridge's water is furnished by a spring. There were hopes that the water line crossing Ligonier Mountain would be close enough for the Ridge to tap into, but it was re-routed and obtaining public water was not feasible. Due to the constraints of the water supply, there are only a limited amount of uses the property could be used for. All current entities agreed to honor the current bookings for the Ridge and Grove until a new commission could be set up. This would also apply to the current staffing. Ideas were spoken of how the Ridge could be utilized. Some suggestions were setting up a virtual golf, tennis, TV's, a game room, internet service – to use the facility for all ages, not just for under 18. Scott was informed that Upper Yoder Twp. does not have to submit their 2014 tax proceeds as the operating fund is sufficient for this year. The Township will retain the funds until further notice.

UPPER YODER TWP.
FEB. 20, 2014

ROAD PAVING – 2013-2014

Ken reviewed the PennDot standards for road resurfacing that require a cross section or profile of the road with engineer drawings if the Township uses state liquid fuel funds. Also, PennDot wants an inspector at the job site while the contractor is doing the work, perhaps someone from the Road Dept. full-time. PennDot believes this is the problem with the Township's roads not being done correctly, that there is no one there to inspect all work being done as it is being done. Ken informed the Board he always reviewed all road specifications with the contractor prior to any work being done. Bob inquired whether pins could be placed on the road surface indicating the depth of the paving, instead of plans. Paul Miller noted there is approx. 14" on Sell Street and the water is ponding. Tom Sanna observed the Township's paving always falls late in the fall, sometimes in October. The contractor told him they put the asphalt on thick to keep it hot and malleable due to the cold weather. Plans are to have several streets milled each year to alleviate the build-up of excess asphalt.

ELEMENTARY SCHOOL DRIVEWAY

Ken was hired by the School District to review the current driveway for the Elementary School on Goucher Street. The parents of the children are using the driveway to drop off and pick up their children which causes traffic problems with the scheduled school buses. There is also a safety factor of children running between vehicles while the buses are loading and unloading. Ken will review possible alternatives with the Chief to provide another driveway for the parents only, segregating the buses and private vehicles. Chief noted Friday afternoons are very congested and it would be a better flow if the left turns onto Goucher Street were restricted.

TURNING LANE/WOODMONT ROAD

Chief informed the Board when the School District has school activities at the high school, the traffic becomes heavy using Woodmont Road and exiting onto Rt. 271. It would facilitate the traffic flow during these functions if a turning lane was installed with accompanying turning light. The existing traffic signal was installed by the Township, not PennDot.

ROAD DEPARTMENT

Ed reported the new F-550 truck is due to be delivered the third week of March. There has been 200 ton of road salt ordered. After this order is received, the total to date will be 1,400 tons of salt used along with 950 ton of anti-skid for this winter year.

CORRESPONDENCE

DEPT. OF LABOR AND INDUSTRY RECOMMENDATIONS

The recommendations as presented by the Dept. of Labor and Industry has been taken under advisement and it was noted they are recommendations only, not mandates.

GARBAGE EXONERATION REQUESTS (2)

265 VENUS AVENUE – SYLVESTER MUSCARDELLI
182 OLD PETERSON DRIVE

Chief confirmed there was no change to the structure at 182 Old Peterson Drive. An e-mail was received from Russell Friedline, nephew of Sylvester Muscardelli stating he is now in a home and the house has been vacant since 11/2012.

UPPER YODER TWP.**FEB. 20, 2014**

Roy moved to exonerate both addresses for the 2014 garbage/recycling fees. Question arose on the properties and to the standards for exoneration – whether the property is habitable or not. Chief confirmed the Old Peterson Drive structure is not habitable, but the Venus Avenue property is.

Ed moved, Bill seconded to exonerate the 2014 garbage/recycling fees for the property at 182 Old Peterson Drive as the house is not habitable. MOTION CARRIED 5/0

Ed moved, Bob seconded to inform Mr. Muscardelli's nephew that because the residence is deemed habitable, the fees remain due and payable whether the property is occupied or vacant. MOTION CARRIED 5/0

CONRED FEASIBILITY REPORT-DEFINED BENEFIT PENSION PLAN

A feasibility report was received from ConRed at the behest of the AFSCME union to review the pension plan for possible upgrades. Report was tabled pending further review.

COG COMMERCIAL INSPECTIONS/COMPENSATION

A previous verbal agreement had been made between the Township and COG to have COG provide building code inspections for commercial buildings. Agreement was for a cost of \$30.00/hour for these inspections.

Bill moved, Scott seconded to re-affirm the verbal agreement between the Council of Governments (COG) and Upper Yoder Township to provide the Township with building code inspections for commercial buildings in the Township at the rate of thirty dollars (\$30.00) per hour. MOTION CARRIED 5/0

NEW BUSINESS**UPPER YODER TWP. VOL. FIRE DEPT. – 2014 FUND RAISING ACTIVITIES**

The Fire Dept. submitted their proposed list of fund raising activities for the year 2014 to the Supervisors for approval so that any volunteer working would be covered by workmans' compensation coverage.

Bill moved, Scott seconded to approve the list of fund raising activities for the Upper Yoder Twp. Vol. Fire Department for the year 2014 for insurance purposes. MOTION CARRIED 5/0

RESOLUTION NO. 899 PENNDOT AGILITY PROGRAM RENEWAL

Current PennDot Agility Agreement was for a five year period which will end in May, 2014. Township was approached to renew this agreement for another five year period. Township will provide grass maintenance along state roads within the Township and in turn PennDot will provide line painting on Township roads.

Scott moved, Bob seconded to renew the PennDot Agility Agreement for another five (5) year period providing an exchange of services as in previous agreement. MOTION CARRIED 5/0

PUBLIC PARTICIPATION – none

**UPPER YODER TWP.
FEB. 20, 2014**

ADJOURNMENT - Motion by Bob, seconded by Bill

ADJOURNED – 8:30 P.M

RESPECTFULLY SUBMITTED,



MARY KAY MAHER
TWP. SECRETARY

THE NEXT SCHEDULED TOWNSHIP MEETING WILL BE HELD ON THURSDAY, MARCH 20, 2014 AT 7:00 P.M.