

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

**REGULAR MEETING  
MUNICIPAL BUILDING**

**MEMBERS PRESENT**

EDWARD BARZESKI  
ROY SHAFFER  
ROBERT AMISTADI  
WILLIAM HUSTON  
SCOTT HUNT

**OTHERS PRESENT**

ROBERT SHAHADE-SOLICITOR  
KEN MESKO-ENGINEER  
MARY KAY MAHER-TWP SECRETARY

**OTHERS:** Tom Sanna, Karen Howell, Sharon Jones-YMCA Executive Director

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

**APPROVAL OF MINUTES – OCTOBER 16 , 2014 REGULAR MEETING**

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

**PUBLIC PARTICIPATION**

**KAREN HOWELL-TAX COLLECTOR**

Karen confirmed with the Supervisor's that the tax collector's room located at 110 Sunray Drive is ready for her to move into.

Under Pa General Assembly-Local Collection Law, House Bill 1590, all tax collectors must be certified and must file their certification with the local governing office. This certification will be required every year. She became certified on her own before the Bill was passed. Karen is now certified for the year 2015 and she presented her certificate to the Board to be filed at the Township office.

She also informed the Board that she is to assign a deputy to step in as tax collector, should she ever be unable to perform her duties. This person must know the computer program, be familiar with tax collection and should be able to take over without training. The deputy will also be covered under her bond. She will inform the Supervisors of the deputy once they have been designated.

**APPROVAL OF REPORTS – SECRETARY'S, INCOME, PAYROLL, FINANCIAL STATEMENT**

Bill moved, Scott seconded to approve the reports as submitted. MOTION  
CARRIED 5/0

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**APPROVAL OF GENERAL FUND BILLS - \$60,953.33**

Bill moved, Bob seconded to approve the General Fund bills in the amount of \$60,953.33. ROLL CALL VOTE: Roy-aye, Ed-aye, Bob-aye, Bill-aye, Scott-aye  
MOTION CARRIED 5/0

**APPROVAL OF OTHER FUND EXPENDITURES - \$90,148.41**

Roy moved, Bill seconded to approve the Other Fund Expenditures in the amount of \$90,148.41. ROLL CALL VOTE: Scott-aye, Bill-aye, Bob-aye, Ed-aye, Roy-aye  
MOTION CARRIED 5/0

**ZONING ORDINANCE AMENDMENT**

A proposal was reviewed as submitted by Mark Walker of Walker Consulting Services for Municipal Zoning Ordinance Changes. Proposal was outlined in a four (4) phase process detailing the proposed work with each step in the process. Ken informed the Board that he is still pursuing sharing a consultant with Westmont Borough in updating the Township's Long Range Comprehensive Plan. Some of these proposed changes will be addressed in this joint project. Solicitor pointed out the immediate need for an amendment to address two current issues: signage and cell towers. The Township has received requests for illuminated signage and inquiries on installing cell towers in the area. The Comprehensive plan will address other issues in the ordinance, but these two issues need to be taken care of as soon as possible. Solicitor recommended proceeding on the first phase and proceed from there as needed.

Bob moved, Bill seconded to authorize Mark Walker of Walker Consulting Services to proceed with phase one as outlined in his proposal of October 15, 2014 and then take it from there to proceed. MOTION CARRIED 5/0

**SELL STREET ROOF**

A quote was received from Blanset Construction from Stoystown for replacement of the Sell Street roof. Quote was for \$15,800. The proposal is for a roof installation by the "torch" method. Other quotes are still expected. Solicitor pointed out two other quotes are required, either written or by telephone. The bidding threshold is from \$10,300 to \$19,099. Amounts over \$19,100 – must be bid. Questions were raised when the work could proceed with the winter season approaching. Issue was tabled until the next meeting.

**2015 GENERAL FUND BUDGET AND OTHER FUNDS**

Scott moved, Bill seconded to approve the tentative general fund budget and other funds for the year 2015 and to authorize its advertisement for the required



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20 days of public inspection. The general fund is balanced at \$1,653,475.  
MOTION CARRIED 5/0

**ORDINANCE AMENDMENT-SANITARY SEWER SYSTEM TESTING**

Solicitor reviewed the current Ordinance No. 265 adopted by the Supervisors regarding the maintenance and regulations of the Township's sanitary sewer system. He reviewed the current events of the Authority stating the PennVest loan was approved for the upgrade of the system; however, to comply with the DEP's Consent Agreement in this upgrade, the laterals of each resident must be tested. The testing method could be by either air or water pressure testing which must be done in conjunction with the upgrade work. Previous methods of testing are no longer viable. Pressure testing requires sustaining five pounds for 15 minutes to be approved and passed. The upgrading will involve 17 miles of sanitary sewer lines, 504 manholes, and the installation of approx. 1,300 viewports in addition to the pressure testing of laterals. DEP will no longer wait and they are adamant in reducing extraneous flows in the system in addition to eliminating the sanitary sewer overflows. The Authority will be penalized for each occurrence of an overflow. The Township's current Ordinance No. 265 must be amended to reflect the new testing in order to be in compliance with the Consent Order with DEP. Solicitor stated that Upper Yoder is unique in that the Township's sewage flows enter into other municipalities, which in turn, affect the other municipalities' outflows. Upper Yoder had approx. 16 meters installed on their lines monitoring the flows. Most have been removed but approx. 8-9 remain to continue the monitoring. One of the biggest contributors is the Hiram G. Andrews Center's system. The Commonwealth submitted a feasibility study for its renovation, but the cost figure had to be revised from \$300,000 to 1-2 Million Dollars. Discussion ensued on the types of pipes installed and the percentage that had passed the air testing. Water testing is done by erecting a 10 foot pole of water by which water is forced into the line by gravity to get the required five pounds per pressure. The conditions set forth by DEP cannot be mitigated. The PennVest closing is scheduled for Dec. 28<sup>th</sup>.

Bob moved, Scott seconded to authorize the Solicitor to prepare an amendment to Ordinance 265 to establish the required testing on the sanitary sewer system lines to comply with the Consent Agreement. MOTION CARRIED 4/1 with Bill opposed.

Bill pointed out it will create a hardship on the residents to comply with the new regulations. Scott noted for the record that the Board reluctantly approved the amendment to this ordinance under protest.

**PERSONS REQUESTING TO BE ON THE AGENDA  
SHARON JONES, EXECUTIVE DIRECTOR, YMCA**

Ms. Jones apologized for being late to the meeting but there was an issue she had to attend to before she could leave. She extended her appreciation to the Board for the YMCA being chosen



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to manage the West Hills Recreation Commission and their programs. They took over on June 15<sup>th</sup> with the Commission managing only a few programs. She reported the Y now is managing 23 programs, one of which was so in demand, 40 children have enrolled. There are several programs being held at the Ridge. She stated the Ridge is a great asset which had not been used as much as it could've been. The programs are being offered at a discounted rate if an individual or family signs up for membership through the West Hills Recreation Commission. She reviewed several programs that will be held at the Ridge and emphasized that the long term goal is to help the Commission use their assets along with increasing their revenue through new programs and memberships. Board questioned whether the Commission could operate on revenue alone, without the Municipalities contributions. Ms. Jones had checked with several other Recreation Commissions/Agencies and found that they all still require funding from their respective municipalities; however, she hopes to reduce the amount of contribution that is needed by increasing their own revenue. The YMCA does not operate on revenues alone; they also apply for grants and donations from agencies and the public.

The Board congratulated Ms. Jones on its management and how it developed when they first took over the Commission's programs. Ms. Jones noted that many of the original staff were retained and they received helpful feedback from their existing programs on how to expand on what the public would like to see or do. She offered her services to the Board, should they have any more ideas, or questions concerning their management of the WHRC.

**GARBAGE EXONERATION REQUEST/J. KARCHER-4125 MENOHER BLVD**

Request was received from Jessica Karcher for a house located at 4125 Menoher Blvd that is no longer occupied. They purchased the house several years ago and had paid for the garbage collection but since it is now vacant, she is requesting exoneration of the garbage fee. Board reviewed the qualifications for exoneration – in that the property must be uninhabitable to be exonerated. Chief noted the utilities appear to be available and he confirmed that the house is vacant at the present time.

Bill moved, Ed seconded to issue a letter of denial to the concerned parties on their exoneration request and to state the reasons for the denial. MOTION CARRIED 5/0

**ELIM STREET BUILDING DISPOSITION**

Solicitor reviewed the specifications of the Elim Street building and the total amount of living space/usage area as defined by the current standards of Realtors. The area is zoned R-5 which would limit the available uses it could be used for. The R-5 area is zoned for multi-family residential use. Secretary pointed out the records slated for destruction are still stored in the building and there is a room full of maps that need to be transferred to the new location on Sunray. Police Chief noted he must also go through and itemize the Police records that need to be disposed of. He will prepare a listing for submission at the next meeting for the Board to

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approve for its destruction and recommendations for donations of any equipment. Any items that have a value under \$1,000 can be destroyed by motion of the Board. Some equipment such as radios can be donated to the Ebensburg Emergency Management Agency or scrapped for what value they could obtain. Issue tabled until next meeting. A list of renovations that had occurred to the Elim Building will be prepared for use in its future advertisement for sale.

Bill moved, Scott seconded to authorize the Chief to organize the material to be disposed of according to State regulations listing all items and report back to the Board. MOTION CARRIED 5/0

**ROAD DEPARTMENT ROADMASTER**

Scott questioned if the Board is to consider hiring of a Roadmaster. There have been several applications dropped off that the Board can review. Board will review the applications on record for discussion.

**SUNRAY DRIVE POLICE SUITE RENOVATIONS**

Ken reported he received three quotes on the proposed renovations for the Police headquarters on Sunray Drive. The quotes were by telephone, the project was not advertised. SR&G submitted a quote for \$22,375; C. J. Kist submitted a quote for \$20,685.23; and RJ Young General Contracting from Salix submitted his quote for \$20,900. The quotes indicate that it will have to be put out for bid as it exceeds the bidding threshold. This will require specifications, bonds, payment bonds, etc. which will add to the cost. Discussion ensued on the scope of work/renovations requested and what could be eliminated.

Bob moved, Roy seconded to authorize Ken to eliminate the counter work in the requested renovations and ask for re-quotes. MOTION CARRIED 5/0

Ed moved, Roy seconded that the Board will address the quotes for the Police renovations when they arrive. MOTION CARRIED 5/0

**SUE MARGO-253 CAPITAL AVE/COURTNEY DROZ-3470 MENOHER BLVD. WATER DRAINAGE**

Ken met with DEP on Oct. 29<sup>th</sup> to review both sites. DEP's opinion is that they are both private matters on private properties. The Droz water problem is on private property that had private improvements done and the Margo property is also a private matter. Board requested a written opinion be obtained from DEP to substantiate their position.

**MRS. A. ZAWALISH/810 GOUCHER STREET**

Ken met with Mrs. Zawalish concerning discharging of her rainspouts into the stormwater system on Goucher Street which is owned by PennDot. PennDot would require the Township to submit an application for tying in her discharge into their system, thereby having the Township responsible for future maintenance or problems. Solicitor strongly advised the



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Supervisors against entering into such an agreement. Mrs. Zawalish will be advised to have to a dry well at the rear of her property to collect the discharge.

**SELL ST. CULVERT**

Ken recommended that the pipe that extends down to the Sell St. culvert should be replaced. There are two branches of Cherry Run that come down and enter the junction box. The existing pipe is 50 years old and corroded. It would be tight to get equipment in this area for its replacement, but he believes the equipment could fit. The crew would enter from the Sell Street side where there is a temporary easement on record. Engineer will review the plans with the Solicitor to review the easement.

**LONG RANGE COMPREHENSIVE PLAN UPDATE**

Ken informed the Board that Westmont Borough will partner with Upper Yoder to submit an application for grants from the State for updating both municipalities' Long Range Comprehensive Plans. Ken will prepare the application and the Request For Proposals. The consultant hired to work on these updates will be shared by both entities.

Bill moved, Scott seconded to authorize the engineer to proceed with the process to file for a joint-municipal grant for updating the Township's Comprehensive Plan. MOTION CARRIED 5/0

**CAMBRIA CO. JUVENILE COURT MILEAGE REIMBURSEMENT**

Chief presented a witness receipt received from the Cambria Co. Juvenile Court to be presented for reimbursement for mileage. The Court reimbursement rate is \$.07 per mile. For 72 miles the reimbursement amount is \$5.04. It would cost the Township more in manpower, and gas to travel from Johnstown to Ebensburg to receive this amount of reimbursement. IRS reimbursement rate is \$.56 for the year 2014. Solicitor will check the ruling on the reimbursement rate.

**POLICE DEPARTMENT SECURITY SYSTEM**

Discussion was held on the quote on the security system as proposed through Link Computer that will run through the Township's current computer/phone system. Bob explained the computer/phone system which is a voice IP system and will be continually upgraded through a monthly maintenance fee, so that the system will not have to be replaced in a few years' time. Quote was thought to be high for the number of monitors and cameras requested. Chief will contact other companies for their proposals.

**SUNRAY DR. DOOR LETTERING**

A draft of proposed lettering was submitted for review that informed the public of office hours and meeting times. Draft was reviewed and modified.

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**INTENT TO HIRE A CPA**

Bill moved, Scott seconded to advertise the Intent to Hire a CPA ad for auditing the Township's records for the year 2014. Ad is required to be posted 30 days prior to actual hire. MOTION CARRIED 5/0

**2015 MEETING DATES**

Board concurred to have the same scheduled meeting night of the third Thursday of every month for the next year of 2015.

Scott moved, Roy seconded to advertise the Township meetings, Sewer Authority meetings, Auditor meeting and Planning Commission meetings for the year 2015. MOTION CARRIED 5/0

**NEW BUSINESS**

**WESTMONT HILLTOP SCHOOL DISTRICT TRAFFIC STUDY**

The School District is having a traffic study done by McKissick Associates Architects from Harrisburg concerning the traffic involved with the Elementary School on Goucher Street. The application for the Transportation Impact Study will be submitted to PennDot by the Architects and they have requested a representative of the Township co-sign the application. They are also requesting the representative attend the meetings to assist in the study to find the best traffic pattern for the Elementary School.

Bill moved, Ed seconded to approve the application submitted for the School District for a Transportation Impact Study and to appoint the Chief of Police to be the Township's designated representative in this endeavor. MOTION CARRIED 5/0

**ROAD DEPT. EMPLOYEE SEVERANCE COMPENSATION**

The severance compensation was calculated for a Road employee who recently resigned from the employment of the Township.

Bill moved, Ed seconded to pay Ryan Burnheimer the severance compensation due as presented. MOTION CARRIED 5/0

**PUBLIC PARTICIPATION - none**

**CHAIRMAN ANNOUNCED THE BOARD WILL ENTER INTO AN EXECUTIVE SESSION AT 8:44 P.M. AND WILL NOT BE RECONVENING.**

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Respectfully submitted,

  
Mary Kay Maher  
Twp. Secretary

**THE NEXT REGULAR TOWNSHIP MEETING WILL BE HELD AT 7:00 P.M on DECEMBER 18, 2014.**