

**UPPER YODER TOWNSHIP SUPERVISORS  
JUNE 19, 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  
WALTER HOWELL, CHIEF OF POLICE  
PAM LONSINGER, RECORDING SECRETARY

**OTHERS:** S. Louder, W. Burns, J. Onufro, K. Howell, M. Walker, P. Miller, L. Hickey,  
M. Nitch, D. Stefanik

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

**APPROVAL OF MINUTES – MAY 15, 2014 – REGULAR MEETING**

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

**APPROVAL OF MINUTES – MAY 29, 2014 – ZONING WORKSHOP**

Scott moved, Roy seconded to approve the minutes as presented. Motion  
Carried. 5/0

**PERSONS REQUESTING TO BE ON THE AGENDA**

**MELINDA NITCH/455 HERSHBERGER RD – WATER ISSUE**

Ms. Nitch introduced her neighbor, David Stefanik who addressed the water issue. Mr. Stefanik presented the Board with photographs of the area showing how the water accumulates on Sandy Drive and subsequently pools into their back yards. The road slopes into Ms. Nitch's property and the drain pipe does not catch the run-off. A lot of the water could potentially be coming from springs along the hillside. He asked if the Township could clean the area out so it drains properly. He noted that Mike D'Arrigo, of Mesko & Associates, took time to look at the area and assess the situation. He stated that he appreciated his time. A discussion followed. Ed informed Mr. Stefanik that he would instruct the Road Department to see what could be done to redirect the run-off.

**PUBLIC PARTICIPATION**

Karen Howell, Upper Yoder Township Tax Collector, provided the Supervisors with information she obtained at a Tax Seminar regarding the County's proposal to offer a mass mailing of their 2015 Real Estate Tax bills. The County is proposing to utilize the services of Infocon Corporation who will be responsible for stuffing and mailing the County/Municipal tax bills to each taxpayer as they appear on the duplicate. There are pros and cons to the proposal. The advantage is

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reduced postage. However, the disadvantage is that the Per Capita bills will still be the responsibility of the Tax Collector to mail which increases the mailing costs for the Township. Karen noted that she mails out approximately 3,300 Per Capita Statements. Also, the County updates property owners once a year so if a property is sold in the interim, the tax bill will go to the former owner. She noted that they will not mail bills to mortgage companies either. Karen pointed out that she keeps her records updated and makes sure the bills go to the most current owners. A discussion was held.

Bill moved, Scott seconded to authorize the Tax Collector to explore her options and proceed according to her judgment. Motion Carried. 5/0

**ZONING AMENDMENT PROPOSALS**

Bill Burns, Chairman of the Upper Yoder Township Zoning Hearing Board, discussed the letter from Ethan Imhoff who is the Executive Director of the Cambria County Planning Commission. The two proposals reviewed in his letter were proposed telecommunication towers and proposed electric signage. In his letter, Mr. Imhoff listed some recommendations that the Supervisors may want to consider, but overall, felt that the Board is going in the right direction. Some of his suggestions included landscape and buffering areas around the telecommunication towers to make them aesthetically pleasing because some of the barbed wire fencing they use to protect them can be unsightly. Also, an inclusion to prohibit advertising on the towers, no trespassing signs and a telephone number of who to contact in an emergency was advised. Mr. Burns recommended that the tower should have the capability to notify 9-1-1 in any given emergency situation.

Discussed were the issues regarding signs with LED lighting along Goucher Street and the impact they will have on the bordering residential areas. In order to get an idea of how an illuminated electronic sign will affect the neighborhood, Minahan Signs is willing to transport a temporary sign that can be displayed in the vicinity of Em's or Krisays so it can be observed during daylight and night time hours. Guidelines regarding the size and locations of electronic signs will need to be well-thought-out in order to protect the suburban areas. Mr. Burns will contact Minahan Signs to see when a demonstration can be arranged.

Mark Walker, Upper Yoder Township Code Enforcement Officer, commented that the first step is to draft the Ordinance. He advised that the current Zoning Ordinance is deficient in other areas and if the Township is going to spend the money to amend it, that it would be best to do it all at once. He noted that two public hearings are required before a Zoning Ordinance can be adopted. A discussion followed.

**PUBLIC PARTICIPATION**

**LYNN HICKEY/349 ROBIN STREET/NUISANCE COMPLAINT**

Mrs. Hickey stated that they are still dealing with the light that shines on her property from her



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Neighbor's garage. She invited the Supervisors to drive by the area from dusk to dawn to see what a Nuisance it is. She also asked about the commercial equipment parked on the property. Mark informed her that he will stop by to see if the vehicle violates the Zoning Ordinance.

**APPROVAL OF REPORTS: SECRETARY/INCOME/PAYROLL/FINANCIAL STATEMENTS**

Bill moved, Roy seconded to approve the reports presented and return to the Secretary's Report later in the meeting. Motion Carried. 5/0

**APPROVAL OF GENERAL FUND BILLS - \$96,152.14**

Bob moved, Bill seconded to approve the general fund bills in the amount of \$96,152.14. Roll Call Vote: Ed-aye, Bob-aye, Bill-aye, Scott-aye, Roy-aye. Motion Carried. 5/0

**APPROVAL OF OTHER FUND EXPENDITURES - \$82,535.30**

Roy moved, Scott seconded to approve the general fund bills in the amount of \$82,535.30. Roll Call Vote: Ed-aye, Bob-aye, Bill-aye, Scott-aye, Roy-aye. Motion Carried. 5/0

**UNFINISHED BUSINESS**

**CONSENT ORDER/WESTMONT HILLTOP RECREATION COMMISSION**

Bill moved, Roy seconded to ratify the Joinders in Consent Order of the Westmont Hilltop Recreation Commission, the Borough of Southmont and the Westmont Hilltop School District made on May 30, 2014. Motion Carried. 5/0

In conjunction with the Consent Order, the Solicitor explained that a Resolution by the Supervisors needs to be adopted authorizing the Westmont Hilltop Recreation Authority, by its agent, to occupy and utilize the Elim Playground. Solicitor noted that the Ridge is under lease and the Greater Johnstown YMCA has been engaged to manage the operations related to the recreational programs.

**RESOLUTION # 901**

Bill moved, Ed seconded to adopt Resolution #901 authorizing the Westmont Hilltop Recreation Authority, by its agent, The West Hills Recreation Commission, Ltd., to occupy and utilize its recreational property known as the Elim Playground. Motion Carried. 4/0/1 – Scott abstained.

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**COMPLAINTS**

**Swank Street Tree Limb** - Mr. Budzina of 496 Swank Street registered a concern about a tree limb hanging over Swank Street and part of his driveway. Ed reported that he thought the issue was taken care of by Nick but will look into it.

**Susan Margo/253 Capital Avenue/Water Issue** – Ed reported that the water problem is on private property.

**Howard Carothers/207 Old Orchard Way/Water run-off** – Before leaving, Nick looked into the issue and reported that the street is lower than the catch grate for the water to flow into. Ed will have the Road Department look into the matter.

**ROAD DEPARTMENT/PART-TIME SUMMER HELP**

Scott moved, Ed seconded to establish the compensation rate for part-time summer help at \$8.50 per hour. Motion Carried. 5/0

**110 SUNRAY DRIVE RENOVATIONS**

Ken reported that most of the renovations are finished with the exception of the Police Suite and Tax Office. Chief Howell noted that there are standards for the police headquarters that need to be considered. Ken, Mark and Chief Howell will review the necessary improvements. A discussion was held with regard to a move date. The office provided the Board with an outline of hectic schedule times as well as vacation schedules. Ken noted that the Sewer Authority is getting ready to bid out an 8.5 million dollar project that will require a specific location for distributing, receiving and opening the bids. July and August seems to be the busiest times. It was decided that the second phase for the police office renovations could possibly be completed by September, which could make it feasible for everyone to move at the same time.

**2013 ROAD PAVING COMPLETION**

Ken reported that Nick was involved in the pending deficiencies which included a driveway modification and some sealing work. To date, the contractor has not asked for the remainder of his contract fees.

**2014 ROAD PAVING PROGRAM**

Ken reported that he was to meet with Mike Bowser of PennDot but Mike had a personal matter come up and had to rescheduled the meeting until next week. A discussion was held with regard to Lark Lane. Ken suggested that the Supervisors consider what was done on Scenic Way with paving instead of using millings to repair the right of way. He said that there is a concern with dead end alleys which can be addressed one at a time. Ken stated that as soon as he meets with Mr. Bowser, the Board can schedule a brief meeting to advertise the bids.



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**SHENKELVIEW DRIVE**

Ken surveyed the area and is putting together a plan that will correct the issue. He noted that the region is a massive spring area but there will be no need for any extensive work to correct the problems. The only equipment necessary will be a backhoe to dig a ditch to allow the water to drain. The project could either be bid out or done by the Road Department.

**PALLISER STREET STORM WATER**

Ken reported that the drainage problem on Palliser Street will be an easy fix for the Road Department.

**SELL STREET**

Ken reported that he is working on the bids specs for the Sell Street culverts.

**HIGH WEEDS/GRASS COMPLAINTS**

Chief Howell discussed the problems he is running into with complaints about high grass and weeds. The Menoher Heights Fire Hall property and two residential properties do not have responsible owners. Normally, the Township maintains the property and the cost incurred results in a lien against the property. Because there are no responsible owners, the properties are typically sold at a Sheriff Sale and the likelihood of the Township recouping their costs is slim. Most of the properties have encumbered titles. Solicitor noted that the Township has the right to abate the nuisance and document the lien for tax clearance letters. Because the police are unable to reach a responsible owner, he suggested that the property be posted and a picture taken for the file.

Mr. Paul Miller offered to look into having the Boy Scouts clean up some of the properties as a Community Service Project. He can provide the Township with a Letter of Liability. A discussion followed.

Bill moved, Bob seconded to authorize the Police Chief to determine when it is necessary to have the Township maintain a property that is overgrown with weeds and/or high grass. The Township's cost for labor and equipment to abate a nuisance will be \$100.00 per man, per hour. Motion Carried. 5/0

**PART-TIME POLICE**

Chief Howell informed the Board that one of his most reliable part-time officers has secured a full-time position at West Hills.

**CORRESPONDENCE**

**Glenn Riddle/472 Kraft Street** – Requested exoneration of his 2014 garbage/recycling bill.

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Mr. Riddle explained that he and his wife live at 474 Kraft Street. The address at 472 Kraft Street does not have water service and nothing has changed from previous years.

Scott moved, Bob seconded to grant Mr. Riddle exoneration from the 2014 garbage/recycling fees at 472 Kraft St. Motion Carried. 5/0

**Deborah Lichtenfels/165 Lichtenfels Lane** – A letter of request for a refund of garbage fees was reviewed. Lichtenfels Nursery acquired a dumpster from Wright Sanitation on June 8, 2014. They still want the recycling picked up as usual but request a refund on the fee from June to December, 2014. Board concurred to ask Ms. Lichtenfels to clarify that the property is no longer used for residential purposes. If so, they can opt out of the Township's program entirely.

**HERSHBERGER ROAD WINTER MAINTENANCE**

Ed moved, Scott seconded to continue the Winter Maintenance Agreement with PennDot for Hershberger Road. Motion Carried. 5/0

**NICK BAILEY/SEVERANCE PAY**

Mr. Bailey's last day of employment was on Wednesday, May 28, 2014. He earned paid time off and vacation time for the months he worked in 2014 that would have been paid in 2015. The total amount due is \$756.59.

Bob moved, Bill seconded to issue a check to Nick Bailey in the amount of \$756.59. Motion Carried. 5/0

**POLICE CONTRACT NEGOTIATIONS**

A meeting will be scheduled to continue negotiations as soon as the results of the pension review are received from the Actuarian.

**NEW BUSINESS**

**PART-TIME SUMMER HELP**

Ed reported that he received an application from Devon Gilbert regarding part-time summer work. He recommended hiring him for mowing grass at the Ridge, the Elim and Sunray Drive buildings, etc.

Ed moved, Roy seconded to hire Devon Gilbert for part-time summer work with compensation at \$8.50 per hour not to exceed 32 hours per week beginning on Monday, June 23, 2014. Motion Carried. 5/0

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**ROAD DEPARTMENT MANAGEMENT**

Ed reported that Dave Hornick has been managing the Road Department in the absence of a Road Supervisor. With his added responsibilities Ed recommended an increase in his wage rate as was done in the past.

Bill moved, Scott seconded to increase Dave Hornick's wage rate to \$1.00 more per hour, retroactive to May 29, 2014. Motion Carried. 5/0

**SUNRAY DRIVE SIGNS**

Quotes were received from Big City Signs for interior and exterior signs.

Bob moved, Scott seconded to proceed with ordering the lettering change on the exterior sign at a cost of \$395.00 and the interior wall logo design proposal at a cost of \$1,391.15 from Big City Signs. Motion Carried. 5/0

**PUBLIC PARTICIPATION**

**GOUCHER STREET STORM DRAIN**

Paul Miller of 700 Goucher Street advised the Supervisors that he cleaned out a storm drain near his house that is the responsibility of PennDot. He noted that the hole is hazardous and very large. It was noted that the Township needs to make a check list of all the issues along the State Roads and forward it to PennDot.

**ADJOURNMENT** – Motion by Bill, seconded by Scott to adjourn the meeting. Motion Carried. 5/0

**ADJOURNED** – 8:25 P.M.

Respectfully submitted,



Pam Lonsinger  
Secretary

**THE NEXT MEETING OF THE UPPER YODER TOWNSHIP SUPERVISORS WILL BE HELD ON  
THURSDAY, JULY 17, 2014 AT 7:00 P.M. AT THE TOWNSHIP MUNICIPAL BUILDING**