

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

**REGULAR MEETING
MUNICIPAL BUILDING**

MEMBERS PRESENT

EDWARD BARZESKI
ROY SHAFFER
ROBERT AMISTADI
WILLIAM HUSTON
SCOTT HUNT

OTHERS

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

OTHERS – Fran Sivi, Tom Sanna, Ed and Courtney Droz, William Burns

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

APPROVAL OF MINUTES – MARCH 20, 2014

Correction to Page 2. The Ridge property is owned by the four entities, Upper Yoder, Southmont, Westmont and the Westmont School District.

Bob moved, Bill seconded to approve the minutes with the correction as noted. Motion Carried. 4/0/1 with Roy abstaining stating he did not attend the last meeting

PERSONS REQUESTING TO BE ON THE AGENDA

ED AND COURTNEY DROZ/3470 MENOHER BLVD/WATER DRAINAGE

Ken reviewed the water drainage problem at the Droz's and presented the Supervisors with pictures of the Ariel view of the property and surrounding areas. According to the lay of the land, the natural depression funnels all the water toward their property. The water is coming from a natural spring on their neighbor's property along with water runoff from the Township quarry. There is an existing 12" pipe that had been installed to conduct the flow of water across their property, however, it is proving inadequate and the water is breaking through in various places. There is evidence of an open French drain in the area that is also diverting the water toward the 12" pipe. The whole water drainage area affects five, possibly six property owners as the water tries to follow the contours of the land. Scott mentioned the rear of his brother's property is also affected with the water problems. Should the Township re-channel the drainage, permission from the affected property owners would have to be obtained. The channeling would consist of some open and closed pipes and some rock-lined swales to divert the water into the channel. A question of who would be responsible for the continued maintenance of the system was brought up. Ken stated he could do the surveying work, the elevation work and prepare a plan to correct the water drainage. Once the plan is prepared, then the property owners who are affected could be contacted for obtaining easements.

Bob moved, Bill seconded to authorize the Engineer to proceed with preparing proposed plans required to correct the water drainage. MOTION CARRIED 4/0/1 with Scott abstaining

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

Bill moved, Scott seconded to approve the reports as submitted and to discuss the Secretary's report as needed. MOTION CARRIED 5/0

APPROVAL OF GENERAL FUND BILLS – 126,396.74

Roy moved, Bob seconded to approve the General Fund Bills for \$126,396.74. ROLL CALL VOTE: Ed-aye, Bob-aye, Bill-aye Scott-aye, Roy-aye MOTION CARRIED 5/0

APPROVAL OF OTHER FUND EXPENDITURES - \$115,566.64

Bill moved, Scott seconded to approve the Other Fund Expenditures for \$115,566.64. ROLL CALL VOTE: Scott-aye, Bill-aye, Bob-aye, Ed-aye, Roy-aye MOTION CARRIED 5/0

UNFINISHED BUSINESS

WESTMONT HILLTOP RECREATION COMMISSION

Solicitor was authorized to proceed to take all measures necessary to resolve the impasse with the WHRC. A *Complaint for Declaratory Judgment* was filed on April 15, 2014 at the Cambria County Court House to deal with the current situation.

Bill moved, Roy seconded to ratify the action of the Solicitor in filing the judgment and in Upper Yoder's agreement to join this venture by this action. MOTION CARRIED 5/0

ROAD INSPECTION

Ken is still working on the road list for this year's paving program. The Sewer Authority received an e-mail today announcing they will be receiving their funding for the Sewer project from PennVest. The project will be started later this year and Ken advised the Board not to have any roads affected by the Sewer work listed in this year's road paving program. It would also be advisable to retain some liquid fuel funds for additional paving work for next year after the sewer work has been completed and the roads need restored. Ken is looking at listing some alleys and back-end streets that will not be affected by the Sewer work. Funds for this year could also be used for road equipment, and doing a limited amount of storm sewer work that is eligible for liquid fuel funds. One project that should be done in conjunction with the sewer work is the installation of the Sell Street culverts by Fisher Lane. The project would still have to be bid out, but the threshold for prevailing wages has increased from \$25,000 to \$100,000 which should save some money on the project. The threshold for advertising requirements increased to \$18,900. Any project under \$18,900 needs only a written quote. This Sell Street project could also be drawn up and advertised at the same time as the sewer work is advertised. The bids and the funding would be separate, between the Sewer Authority and the Township. It is estimated the Sewer work will take approx. 1 ½ years to complete.

Bill moved, Ed seconded to authorize the Township Engineer to proceed as discussed. MOTION CARRIED 5/0

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810 GOUCHER STREET/SURFACE WATER DRAINAGE/STATE ROADS

Ken was contacted by the owner of 810 Goucher Street concerning tying their downspouts and sump pump into the existing storm water drainage on Goucher Street. Goucher Street is a state-owned road and when PennDot was contacted, the property owners were informed that the Township had to submit an application for a permit to tie into the State's storm system. This leads to issues involving the Township. Even if the owner does the work, the Township would need a *Hold Harmless* form or a *Release from Liability* for this project; however, should something go wrong, the permit is being held in the name of the Township and the Township will be held responsible forever. Ken will talk to the Permit Officer in the Ebensburg PennDOT office to obtain more information so that the Board can establish a policy on how to deal with these similar type issues.

POLICE CONTRACT NEGOTIATIONS

Chief Howell presented a letter addressed to the Supervisors that the Police Bargaining Unit wish to commence collective bargaining for their contract which expires in January, 2015. Two police officers will represent the bargaining committee who will be available to meet with the Board.

JOSEPH VARMECKY/521 SWANK STREET

Chief informed the Board that Mr. Joseph Varmecky was presented the keys to his new house that was built in one week by volunteers of a charity organization. Mr. Varmecky's house had burned down a few months ago in which he had lost everything.

NUISANCE ORDINANCE

Chief requested the Board notify the Police Dept. of any accumulated junk/debris in the Township or any nuisances as they are enforcing the Nuisance Ordinance in full force with the coming of spring. There have been several areas of concern already reported to the Police and several owners are working on cleaning up or correcting the situation.

CORRESPONDENCE

GARBAGE/RECYCLING COLLECTION FEE EXONERATION REQUESTS

GLORIA SHAFFER/3908 MENOHER BLVD

Mrs. Shaffer wrote to the Supervisors stating the house is up for sale and has remained empty with no services. Supervisors had established a policy that as long as the house is habitable, the fees apply. Letter will be addressed to Mrs. Shaffer on this policy and that the fee remains due and payable for her property.

Roy moved, Bob seconded to issue a letter to Mrs. Shaffer to deny her request for exoneration. MOTION CARRIED 5/0

EARL & KIM BLACK/171 MEADOW DRIVE

There are two residences on this property, one of which is an apartment above the garage. The main house has been vacant for some time and was exonerated in the past as it was under renovations. Request for exoneration was tabled. Nick and Ken will inspect the property and find out what the Black's long-term intentions are concerning the main house.

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AMERICAN MINING INSURANCE GROUP/REDUCTION IN RENTAL SPACE

A letter was received from the American Mining Insurance Group providing their 60 day notice of their intention to reduce the amount of square footage rented at the 110 Sunray Avenue building, effective June 1, 2014. The area rented will be reduced to 4,000 square feet. They also acknowledged a \$55,000 reduction fee that is due and payable with this request per the lease agreement. They have also requested the installation of a partitioning wall to be erected to reduce the square footage between rental areas. Solicitor noted AMIG has conformed to the stipulations of the lease agreement by issuing the 60 day notice and they are exercising their right under the agreement. Solicitor also noted the utilities will have to be sorted out. He believes when the original renovations were made, the architect provided for the delineation of electric "zones" for the anticipated tenants. This will have to be checked out by Nick and the plans reviewed. The 4,000 square footage area will also be measured for accuracy. There is evidence of zones with the number of electric meters installed. The cost of building the partitioning wall would be at the expense of the Township as part of doing business as owner of the building.

Bob moved, Bill seconded to acknowledge receipt of their request for reduction in rental space and that the Supervisors will honor their request and work with them in reducing the office space. MOTION CARRIED 5/0

HENSEL SEWAGE TREATMENT PLAN PERMIT/115 HAMEL LANE

The Township received a copy of their intent to renew their Sewage Treatment Plant Permit through DEP. Ken explained that they have to renew their permit with DEP every five years. DEP is the agency that is monitoring their plant. Due to the terrain and consistency of the soil, they were unable to put in a conventional septic system and had to go with a treatment plan which discharges into a stream after treatment. The water testing is to be done by DEP on a regular basis and monthly reports are to be submitted to DEP by the owner or contractor. The Township should be notified whenever there is a violation, but the monitoring of the system is up to DEP. Ken will check on the monthly reports to make sure they are being sent into DEP at the Greensburg office. There is no action required by the Board on this permit renewal.

ZONING ORDINANCE AMENDMENTS

A letter and information has been submitted to the Board by the Zoning Hearing Board concerning proposed amendments to the Township Zoning Ordinance in relation to the regulations for signage and cell towers in the Township. Solicitor questioned how an illuminated sign could affect the residential area and that would appease both the sign company and the residents. William Burns, Chairman of the ZHB informed him that one solution would be to have the illumination of the sign turned down or off according to certain hours. The sign at St. Andrews is shut off for the evening after 9:00 p.m. and not turned on until 6:00 a.m. In their submitted proposal, there are no specific times mentioned. Mr. Burns suggested a workshop be set up with the Supervisors and the Zoning Hearing Board to establish specific guidelines and obtain the general consensus of all parties on the proposed regulations. The signage in Geistown is turned down in the evening to a small percentage of the full illumination. Mr. Burns also recommended contacting a professional to join the workshop who would be more knowledgeable about the specifics of these signs. Solicitor noted all aspects of the proposed amendments must be in complete form before formal hearings could be scheduled prior to adoption. The Permit Officer for Richland is Dave Mills who is also an engineer and could be invited to the workshop. Also submitted

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with the recommendations are suggestions for the regulation of cell towers in the Township. Mr. Burns stated the ZHB is recommending a bond be required from the erecting company and/or the owner of the cell towers. The bond will be held by the Township and will stay in effect until the tower is dismantled and taken down. Also recommended is an inspection period of the tower every two years to ensure it remains reasonably sound.

Consensus of the Board was to have the workshop one hour prior to the next Township meeting in May (to be advertised) and invite Mr. Dave Mills to the workshop as a consultant if he is available or a workshop will be scheduled around his schedule. Mr. Burns noted that the ZHB talked to various representatives and agencies who know the current regulations and copies of the state and federal regulations were obtained for this discussion.

Roy noted that not only the Zoning Ordinance, but the Subdivision and Land Development ordinance should also be updated as several issues were brought up over the years, such as an 18' cart way.

Ed moved, Bill seconded to have a workshop at 6:00 p.m. before the next Township meeting on May 15th and to send a letter to Mr. Mills asking him to be present. If he cannot attend at this time, a workshop will be scheduled around his working schedule.
MOTION CARRIED 5/0

NEW BUSINESS

SEWER AUTHORITY VACANCY-5/2/14 FIVE YEAR TERM

Kyle Fritz is currently completing the unexpired term of Robert Shoup who has passed away. Solicitor recommended tabling any action until after the term has expired. Tabled until the May Township meeting.

COUNTY AID APPLICATION

The application was delivered today to be completed and submitted to the County for liquid fuel funds that are used towards the annual road paving project.

Bill moved, Roy seconded to submit the County Aid Application to the County. MOTION CARRIED 5/0

SUNRAY DRIVE RENOVATIONS

Bob presented a quote from C.J. Kist Construction for the replacement of ceiling tiles in the meeting room and to upgrade the lighting in the meeting room.

Bob moved, Ed seconded to accept the quote submitted by Chuck Kist Construction, Hollsopple, Pa for Sunray Drive renovations in the amount of \$2,986.00. MOTION CARRIED 5/0

WESTMONT HILLTOP RECREATION AUTHORITY

Bob moved, Scott seconded to appoint two at-large representatives who are William Stasko of 2158 Sunshine Avenue and Dr. James Greco, of 1015 Woodcrest Drive to be appointed At-Large in tandem for the Westmont Hilltop Recreation Authority. MOTION CARRIED 5/0

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PUBLIC PARTICIPATION - none

ADJOURNMENT – Motion by Bob, seconded by Scott to adjourn. Motion Carried. 5/0

ADJOURNED – 8:01 P.M.

Respectfully submitted,



Mary Kay Maher
Twp. Secretary

THE NEXT SCHEDULED MEETING WILL BE ON MAY 15, 2014 – AT 6:00 P.M. FOR THE ZONING WORKSHOP FOLLOWED BY THE TWP. MEETING AT 7:00 P.M