

**UPPER YODER TOWNSHIP SUPERVISORS
JANUARY 6, 2014**

**REORGANIZATION MEETING
MUNICIPAL BUILDING**

MEMBERS PRESENT

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

OTHERS

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

OTHERS: Karen Howell

VICE-CHAIRMAN CALLED THE REORGANIZATION MEETING TO ORDER AT 7:00 P.M. WITH THE PLEDGE OF ALLEGIANCE. THERE WAS A MOMENT OF SILENCE FOR THE PASSING OF ROBERT SHOUP WHO HAD SERVED ON THE SEWER AUTHORITY BOARD FOR THE PAST TWENTY-SEVEN YEARS.

VICE-CHAIRMAN CALLS FOR TEMPORARY CHAIRMAN OF THE BOARD

Bob moved, Scott seconded to appoint Ed Barzeski as Temporary Chairman.
Motion Carried. 4/0

TEMPORARY CHAIRMAN CALLS FOR TEMPORARY SECRETARY OF THE BOARD

Scott moved, Bill seconded to appoint Mary Kay Maher as Temporary Secretary.
Motion Carried 4/0

TEMPORARY CHAIRMAN CALLS FOR PERMANENT CHAIRMAN OF THE BOARD

Scott moved, Bob seconded to appoint Ed Barzeski as Permanent Chairman.
Motion Carried. 4/0

PERMANENT CHAIRMAN CALLS FOR PERMANENT SECRETARY OF THE BOARD

Bill moved, Bob seconded to appoint Mary Kay Maher as Permanent Secretary.
Motion Carried. 4/0

ASSISTANT SECRETARY OF THE BOARD

Scott moved, Ed seconded to appoint Pam Lonsinger as Assistant Secretary.
Motion Carried. 4/0

UPPER YODER TWP.

JAN. 6, 2014

VICE-CHAIRMAN OF BOARD

Ed moved, Scott seconded to appoint Bill Huston as Vice-Chairman.

Motion Carried. 4/0

TREASURER OF BOARD

Bill moved, Bob seconded to appoint Roy Shaffer as Treasurer. Motion Carried. 4/0

LEGAL COUNSEL/COMPENSATION

Scott moved, Ed seconded to retain Robert Shahade as Legal Counsel with compensation at \$125.00 per hour, \$50.00 per meeting and a monthly retainer of \$600.00. Motion Carried. 4/0

COLLECTOR OF ACT 511 TAXES

Scott moved, Bill seconded to appoint Berkheimer Tax Administrator and Pa Municipal Service as collectors of Act 511 Taxes. Motion Carried. 4/0

COLLECTOR OF EARNED INCOME TAX/LOCAL SERVICES TAX

Bob moved, Bill seconded to appoint Berkheimer Tax Administrator as collector of Earned Income Tax and Local Services Tax. Motion Carried. 4/0

C.P.A.

Ed moved, Bob seconded to appoint Wessel and Company as the Township's C.P.A. Firm. Motion Carried. 4/0

TWP. ENGINEER/RATES

Scott moved, Ed seconded to appoint Mesko and Associates as Township Engineer with the rate of compensation per submitted schedule Motion Carried. 4/0

UPPER YODER TWP.

JAN. 6, 2014

SEWAGE ENFORCEMENT AGENCY

Bob moved, Scott seconded to appoint Mesko & Associates as the Sewage Enforcement Agency. Motion Carried. 4/0

ZONING ADMINISTRATION/COMPENSATION

Ed moved, Bob seconded to appoint Nick Bailey with compensation as per contract. Motion Carried. 4/0

POLICE COMMISSIONER

Scott moved, Bob seconded to appoint Bill Huston as Police Commissioner. Motion Carried. 4/0

POLICE CHIEF

Ed moved, Scott seconded to appoint Walter Howell as Police Chief for Upper Yoder Township with compensation as per union contract. Motion Carried. 4/0

PART-TIME POLICE OFFICERS

Chief requested a \$.25/hr. raise for the part-time Police Officers. Scott noted that the 2014 Budget reflects this increase in the Police compensation for part-time officers.

Ed moved, Bob seconded to retain the current roster with compensation based on a graduated pay scale of 1-500 hrs. = \$11.75/hr.; 501-1000 hrs. = \$12.25/hr; over 1001 hrs. = \$12.75/hr. as was budgeted for year 2014, effective 1-1-14 Motion Carried. 4/0

ROAD COMMISSIONER

Bill moved, Bob seconded to appoint Ed Barzeski as Road Commissioner. Motion Carried. 4/0

UPPER YODER TWP.

JAN. 6, 2014

ROAD SUPERVISOR

Ed moved, Bill seconded to appoint Reese N. Bailey as the Road Supervisor with Compensation as per contract. Motion Carried 4/0

PART-TIME ROAD WORKERS

Ed moved, Scott seconded that the part-time road workers be compensated at the rate of \$10.50/hour with a CDL license. Motion Carried 4/0

VACANCY BOARD (REGISTERED ELECTOR)

Ed moved, Bob seconded to appoint Jim Hartland to the Vacancy Board. Motion Carried. 4/0

VOTING DELEGATE-STATE CONVENTION

Ed moved, Bill seconded to appoint Scott Hunt as voting delegate. Motion Carried. 4/0

ALTERNATE DELEGATE-STATE CONVENTION

Bill moved, Scott seconded to appoint Roy Shaffer as alternate delegate to the State Convention. Motion Carried. 4/0

BANK DEPOSITORIES

Scott moved, Ed seconded to retain First National Bank, Slovenian Savings & Loan, and Somerset Trust Company as bank depositories. Motion Carried. 4/0

MONTHLY MEETINGS

Bob moved, Ed seconded to hold the Supervisor's monthly meeting on the third Thursday of each month starting in January, 2014 as legally advertised. Motion Carried. 4/0

UPPER YODER TWP.

JAN. 6, 2014

RECOMMENDATION TO AUDITORS-TREASURER'S BOND

Scott moved, Ed seconded to recommend the Treasurer's Bond be set at \$500,000. Motion Carried. 4/0

AUDITOR OF EARNED INCOME

Scott moved, Bob seconded to piggyback off the audit of the Westmont School District. Motion Carried. 4/0

PART-TIME ROAD WORKERS (BOARD MEMBERS)

Ed moved, Bob seconded to appoint the entire Board of Supervisors as part-time road workers with compensation set by the Township Auditors on an as needed basis. Motion Carried. 4/0

ORGANIZATIONAL MEETING CONTINUED INTO REGULAR MEETING

PUBLIC PARTICIPATION

KAREN HOWELL/TAX COLLECTOR-PER CAPITA COLLECTIONS

Karen presented a compilation of her earnings for the year 2013 and what it would be going forward so that the Board would have the figures for review. An amendment was prepared by the Solicitor that would increase the commission rate on the collection of the Township's Per Capita bills from 2.5 % to the statutory amount as allowed to 5 % with future adjustments made by resolution, as needed. Karen requested a copy of the section in the Local Tax Enabling Act that states the maximum amount allowed by law. Karen noted there is a lot of work involved in the collection of Per Capita, especially in tracking down people that move in and out of the Township throughout the year. She has contacts she checks with who are the large landlords, such as Camoset Village, Laurelwood, Dr. Kastelic in keeping track of tenants. Karen emphasized the need to notify the landlords they are responsible for making sure the tenants file the proper Moving Permits with the Township office in order to keep track of residents. Any changes in the real estate taxes, she checks with the County Assessment Office, but verifying moving residents takes a lot of time. The bills for the year 2014 will be going out in March. The Township's revenue from the collection of Per Capita is approx. \$14,000. A suggestion was made if the Board wished to repeal the Ordinance and not have a Per Capita

UPPER YODER TWP.

JAN. 6, 2014

tax. Solicitor pointed out it takes seven days to advertise the repeal of an Ordinance. Karen would have to notify the Infocom office by the 1st of February, if the bills were not to be printed. Karen collects \$5.00 Per Capita for the Township and \$10.00 Per Capita for the School District, under different Acts as allowed by law. The amount of compensation she receives for collecting the Township's PC is not worth the amount of work involved. Scott was concerned with the 2014 Budget which includes the revenue. Consensus of the Board was to adopt the Ordinance Amendment increasing the commission to 5% and continue to discuss whether the Township will retain or repeal the tax with a decision to be made by the end of the year.

Bill moved, Scott seconded to advertise the Ordinance Amendment for the compensation paid for the collection of the Township's Per Capita Tax from 2.5% to 5%. MOTION CARRIED 4/0

Karen also suggested placing an article in this year's newsletter to have the landlords notify the Township in any change of tenants. She will also place a reminder on the tax bills when they are issued to remind all parties of the need to complete Moving Permits.

Bill moved, Bob seconded to authorize the tax collector to place reminder statements on the tax notices for all residents to complete Moving Permits with the Township office as needed. MOTION CARRIED 4/0

APPROVAL OF REPORTS – SECRETARYS

Bill moved, Bob seconded to approve the Secretary's report as submitted, with discussion to be held later, if needed. MOTION CARRIED 4/0

APPROVAL OF GENERAL FUND BILLS - \$28,251.78

Bob moved, Scott seconded to approve the General Fund bills for \$28,251.78. ROLL CALL VOTE: Scott-aye, Bill-aye, Bob-aye, Ed-aye MOTION CARRIED 4/0

APPROVAL OF OTHER FUND EXPENDITURES - \$49,911.29

Ed moved, Bob seconded to approve the Other Fund Expenditures for \$49,911.29. ROLL CALL VOTE: Ed-aye, Bob-aye, Bill-aye, Scott-aye MOTION CARRIED 4/0

UPPER YODER TWP.

JAN. 6, 2014

REIMBURSEMENT REQUEST – TAX CERTIFICATION

Bill stated he is concerned with any type of reimbursement in that it would be setting a precedent. If this certification were reimbursed, then the Solicitor or Engineer could do the same. He emphasized that this does not reflect on the good quality of work the tax collector is doing and she should not take it personally or feel slighted. Scott and Ed concurred with Bill's opinion. Karen pointed out under the Township Code, the tax collector can be reimbursed for attendance at conferences. Solicitor clarified that the Supervisors are empowered to reimburse the costs, should they choose to do so.

WESTMONT HILLTOP RECREATION COMMISSION

Solicitor voiced his opinion that he would like to see meetings between the entities in the dissolution of the commission. The letter that had been issued in November did not result in any physical meetings. Scott responded that he did hear from Southmont and Westmont verbally, but not from the School District. The School District was meeting this same evening and there was speculation that they may also pull out of the Commission. The Recreation Commission is to meet this Wednesday, 1/8/14 for their first meeting of the new year. The Solicitor would like to rally everyone together to discuss the future of the Commission and suggested the Commission become independent as East Hills Recreation has. In this way, the entities would not be obligated to contribute, but the Commission would charge fees, memberships, and hold fundraisers to maintain operating revenue. If the entities would leave the current funds with the Commission, instead of demanding their share of their investments, the Commission would work off of those funds for this year while working towards becoming a non-profit, independent recreational facility.

Bob moved, Ed seconded to authorize the Township Solicitor and Scott Hunt to be Upper Yoder's representatives if any entities want to get together to discuss the future of the Recreation Commission. MOTION CARRIED 4/0

RYAN BURNHEIMER/ROAD DEPT/PROBATION PERIOD

The Secretary's report noted that Ryan Burnheimer will have completed his six month probation period as of January 8, 2014. Mr. Burnheimer will be afforded all the benefits of a full-time Road Dept. employee.

ROAD DEPARTMENT VEHICLES/TRADE-IN

The Township ordered a new Ford F-550 through Stuckey Ford with a trade in of the 1999 F-550. Confirmation has been received that the trade-in value of the 1999 will be \$14,200

UPPER YODER TWP.

JAN. 6, 2014

towards the purchase price of the new F-550. The new truck is currently in Huntingdon getting a new body and should arrive at the Township sometime in February.

SUNRAY BUILDING/RENOVATIONS/MOVE

Supervisors discussed moving the Township office into the Sunray Building. The tenant – American Mining Company, is still renting the one side of the building, but the Magistrate has vacated the other side. The Supervisors plan on moving the Township office into the Magistrates' side while the Police Department remain in the Elim Street building until the tenant has vacated the building's other side. The tenant has to give the Supervisors a 90 day notice when they plan to vacate. No notice was received this year. Should they plan on vacating next year, a notice would have to be received in October of 2014 to vacate in the year 2015. Ed would like to have the Supervisors and Nick inspect the building to make plans on what changes or renovations need to be made and set a date for the move. He would like to see the move by March of this year. He recommended obtaining a Moving Company so that the Road Department is not pulled off of the winter road maintenance. Also, the moving company would be liable for any injuries to their personnel, should anything occur. Also suggested was to have the tax collector remain at the Elim St. building so that the minimal renovations would have to be made at this time.

E-MAIL NOTIFICATIONS/REGISTRY

Scott suggested the Township start compiling an e-mail registry for any resident who wishes to be listed for the purpose of announcements from the Township, such as garbage collection delays, billing notices, or announcements. The current web site could add a page for the resident's to submit their e-mails, should they wish to do so for future announcements. When there are notices to issue, one notice would be able to be sent to all on the e-mail listing. The Township office and tax collector could begin compiling the e-mails and the request could also be placed on the Moving Permits. This would be another way to contact people, should it be necessary to do so. The Township does have it's own e-mail address listed on the web site and correspondence as uytwp@atlanticbbn.net.

POLICE CERTIFICATION

Chief informed the Board the Police certifications will take place on Jan. 20th and Jan. 21st at the Upper Yoder Vol Fire Dept. They will be done at no expense to the Township other than paying for the classes. They had the classes previously in Jerome, but it was too far away, so they are having them done locally.

UPPER YODER TWP.

JAN. 6, 2014

Bob moved, Bill seconded to approve the Police certification classes to be held on Jan. 20th and Jan. 21st in Upper Yoder. MOTION CARRIED 4/0

CORRESPONDENCE

CONRED CONSULTING COMPANY/PENSION ADJUSTMENT

Correspondence received from Don Consul of ConRed, the actuarial for the Township's pension plans informed the Board a previous Police Officer's monthly pension needs to be adjusted to adhere to the specifications of Ordinance No. 205 that was adopted in 1988. The retiree's monthly pension must be adjusted to offset the social security that he is eligible for to be in compliance with the Pension Ordinance. This offset was removed from the plan several months later, but when he retired from the Township, the current pension plan in effect governs his monthly pension.

Ed moved, Scott seconded to authorize Don Consul of ConRed Inc. to make the necessary changes in the retired police officers pension as specified in the Police Pension Ordinance No. 205. MOTION CARRIED 4/0

POLICE RESOLUTION NO. 895 PENSION

Scott moved, Ed seconded that based on the Actuarial study received from ConRed Consulting Inc., the Supervisors direct the Treasurer not to have pension contributions deducted from Police Officers for the year 2014 as the Police Pension Fund is financially sound and sufficient. RESOLUTION CARRIED 4/0

**GARBAGE/RECYCLING COLLECTION FEES/YEAR 2014/
RESOLUTION NO. 896**

Bob moved, Bill seconded to establish the 2014 garbage collection fee as \$125.00 and the 2014 recycling charge at \$20.00. A late charge will also be charged in the amount of \$20.00 for any unpaid balance after the due date. RESOLUTION CARRIED 4/0

UPPER YODER TWP.

JAN. 6, 2014

SECOND MEETING IN JANUARY, 2014

Ed moved, Bob seconded to advertise a second meeting in January – January 16, 2014 for the purpose of general business of the Township. MOTION CARRIED 4/0

NEW BUSINESS

AUDITOR VACANCIES/4 YEAR TERM/6 YEAR TERM

Discussion ensued on who may be available to serve in either vacant position as an auditor for the Township. There was no one that ran in the last election for these positions.

Scott moved, Ed seconded to appoint Donna Cauffiel for the four year term as auditor for the Township. MOTION CARRIED 4/0

TAX COLLECTOR FEES

The Tax Collector had requested the authorization to charge various fees when first appointed. With the new elected term starting 1/1/14, a discussion ensued on the amount of fees to be charged and for what purpose. A fee was requested to be charged for the duplication or reproduction of a tax notice for any entity and a fee was requested to be charged when a check is returned from a financial institution for any reason such as insufficient funds, closed account, etc.

RESOLUTION NO. 897 FEES

Bill moved, Scott seconded to authorize the Tax Collector to charge \$10.00 for a duplicate or reproduction of a tax notice or other tax documents as requested and to charge \$50.00 for a returned check. RESOLUTION CARRIED 4/0

RESOLUTION NO. 898 FEES

Bill moved, Scott seconded to authorize the Township office to charge a returned check fee of \$50.00. RESOLUTION CARRIED 4/0

UPPER YODER TWP.

JAN. 6, 2014

SEWER AUTHORITY BOARD MEMBER

The Board acknowledged the passing of a previous Sewer Authority Board member – Robert Shoup who had served on the Board for twenty-seven years. With his passing, there is now a vacancy on the Board. Mr. Shoup's term was to expire on May 2, 2014.

Ed moved, Scott seconded to appoint Kyle Fritz of 517 Harshberger Road to the vacancy on the Sewer Authority Board to complete the unexpired term until May 2, 2014. MOTION CARRIED 4/0

PUBLIC PARTICIPATION

UNNAMED ALLEY

Mr. Howell addressed the Board informing them that he had contacted a tree service to remove several trees from his property on Bantell Street. There is an unnamed alley behind his property that joins Elim Street that he would like to use to have the trees hauled out. He noticed his neighbors have some of their items in this alley and he would like to work with his neighbors to have them removed so that the trees can be extracted. The Board recommended that the tree company stay within the right of way of the alleyway.

REMAINING ESCROW FUNDS

There remains a balance of \$1,036.75 in an escrow fund which should be closed out. Originally, the funds were used to install the Warren Street/Goucher Street Beacon Lights and towards the purchase of the Sunray Drive Building.

Bill moved, Scott seconded to transfer the funds into the Building Fund in order to close out the escrow account. MOTION CARRIED 4/0

ADJOURNMENT -

Motion by Bob, seconded by Bill

MEETING ADJOURNED

8:05 P.M.

RESPECTFULLY SUBMITTED,

Mary Kay Maher

MARY KAY MAHER

TWP. SECRETARY

THE NEXT SCHEDULED MEETING FOR THE TOWNSHIP

SUPERVISORS WILL BE ON THURSDAY, JANUARY 16, 2014

AT 7:00 P.M.